

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1221
93RD GENERAL ASSEMBLY

Reported from the Committee on Crime Prevention and Public Safety May 3, 2006 with recommendation that House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 1221 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

4982L.04C

AN ACT

To repeal sections 50.565, 192.925, 195.017, 210.482, 217.670, 217.690, 221.040, 311.310, 311.325, 311.326, 409.1-102, 409.2-202, 409.3-304, 409.4-401, 409.4-404, 409.4-408, 409.4-412, 409.5-501, 409.5-508, 409.6-604, 409.6-607, 479.260, 488.5050, 488.5320, 491.170, 545.050, 550.040, 556.036, 561.031, 565.182, 568.070, 569.145, 570.040, 573.037, 577.020, 577.021, 577.023, 577.070, 577.500, 578.250, 578.255, 578.260, 578.265, 578.409, 595.030, 595.209, 610.105, and 650.457, RSMo, and to enact in lieu thereof fifty-nine new sections relating to crime, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 50.565, 192.925, 195.017, 210.482, 217.670, 217.690, 221.040,
2 311.310, 311.325, 311.326, 409.1-102, 409.2-202, 409.3-304, 409.4-401, 409.4-404, 409.4-408,
3 409.4-412, 409.5-501, 409.5-508, 409.6-604, 409.6-607, 479.260, 488.5050, 488.5320, 491.170,
4 545.050, 550.040, 556.036, 561.031, 565.182, 568.070, 569.145, 570.040, 573.037, 577.020,
5 577.021, 577.023, 577.070, 577.500, 578.250, 578.255, 578.260, 578.265, 578.409, 595.030,
6 595.209, 610.105, and 650.457, RSMo, are repealed and fifty-nine new sections enacted in lieu
7 thereof, to be known as sections 50.565, 56.087, 92.500, 192.925, 195.017, 195.217, 195.480,
8 210.482, 217.439, 217.670, 217.690, 221.040, 311.310, 311.325, 311.326, 409.1-102, 409.2-202,
9 409.3-304, 409.4-401, 409.4-404, 409.4-408, 409.4-412, 409.5-501, 409.5-508, 409.6-604,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 409.6-607, 476.185, 479.260, 488.5050, 488.5320, 491.170, 545.050, 550.040, 556.036,
11 561.031, 565.182, 568.070, 569.145, 570.040, 573.037, 575.153, 577.020, 577.021, 577.023,
12 577.070, 577.500, 578.250, 578.255, 578.260, 578.265, 578.409, 590.035, 595.030, 595.209,
13 610.105, 650.457, 1, 2, and 3, to read as follows:

50.565. 1. A county commission may establish by ordinance or order a fund whose
2 proceeds may be expended only for the purposes provided for in subsection 3 of this section.
3 The fund shall be designated as a county law enforcement restitution fund and shall be under the
4 supervision of a board of trustees consisting of two citizens of the county appointed by the
5 presiding commissioner of the county, two citizens of the county appointed by the sheriff of the
6 county, and one citizen of the county appointed by the county coroner or medical examiner. The
7 citizens so appointed shall not be **current or former county elected officials**, current or former
8 employees of the sheriff's department, the office of the prosecuting attorney for the county, **office**
9 **of the county commissioners**, or the county treasurer's office. If a county does not have a
10 coroner or medical examiner, the county treasurer shall appoint one citizen to the board of
11 trustees.

12 2. Money from the county law enforcement restitution fund shall only be expended upon
13 the approval of a majority of the members of the county law enforcement restitution fund's board
14 of trustees and only for the purposes provided for by subsection 3 of this section.

15 3. Money from the county law enforcement restitution fund shall only be expended for
16 the following purposes:

- 17 (1) Narcotics investigation, prevention, and intervention;
18 (2) Purchase of law enforcement-related equipment and supplies for the sheriff's office;
19 (3) Matching funds for federal or state law enforcement grants;
20 (4) Funding for the reporting of all state and federal crime statistics or information; and
21 (5) Any **county** law enforcement-related expense, including those of the prosecuting
22 attorney, approved by the board of trustees for the county law enforcement restitution fund that
23 is reasonably related to investigation, charging, preparation, trial, and disposition of criminal
24 cases before the courts of the state of Missouri.

25 4. The county commission may not reduce any law enforcement agency's budget as a
26 result of funds the law enforcement agency receives from the county law enforcement restitution
27 fund. The restitution fund is to be used only as a supplement to the law enforcement agency's
28 funding received from other county, state, or federal funds.

29 5. County law enforcement restitution funds shall be audited as are all other county
30 funds.

31 6. No court may order the assessment and payment authorized by this section if the plea
32 of guilty or the finding of guilt is to [the charge of speeding, careless and imprudent driving, any

33 charge of violating a traffic control signal or sign, or] any charge which is a class C misdemeanor
34 or an infraction, **unless such charge is a moving violation, as defined by section 302.010,**
35 **RSMo.** No assessment and payment ordered pursuant to this section may exceed three hundred
36 dollars for any charged offense.

56.087. 1. The prosecuting or circuit attorney has the power, in his or her
2 **discretion, to dismiss a complaint, information, or indictment, or any count or counts**
3 **thereof, and in order to exercise that power it is not necessary for the prosecutor or circuit**
4 **attorney to obtain the consent of the court. The dismissal may be made orally by the**
5 **prosecuting or circuit attorney in open court, or by a written statement of the dismissal**
6 **signed by the prosecuting or circuit attorney and filed with the clerk of court.**

7 **2. A dismissal filed by the prosecuting or circuit attorney prior to the time double**
8 **jeopardy has attached is without prejudice. A dismissal filed by the prosecuting or circuit**
9 **attorney after double jeopardy has attached is with prejudice, unless the criminal**
10 **defendant has consented to having the case dismissed without prejudice.**

11 **3. A dismissal without prejudice means that the prosecutor or circuit attorney has**
12 **complete discretion to refile the case, as long as it is refiled within the time specified by the**
13 **applicable statute of limitations. A dismissal with prejudice means that the prosecutor or**
14 **circuit attorney cannot refile the case.**

15 **4. For the purposes of this section, double jeopardy attaches in a jury trial when**
16 **the jury has been impaneled and sworn. It attaches in a court-tried case when the court**
17 **begins to hear evidence.**

92.500. 1. The governing body of any city not within a county may impose, by
2 **order or ordinance, a sales tax on all retail sales made within the city which are subject to**
3 **sales tax under chapter 144, RSMo. The tax authorized in this section shall not exceed one-**
4 **half of one percent, and shall be imposed solely for the purpose of providing revenues for**
5 **the operation of public safety departments, including police and fire departments, and for**
6 **compensation, pension programs, and health care for employees and pensioners of the**
7 **public safety departments. The tax authorized in this section shall be in addition to all**
8 **other sales taxes imposed by law, and shall be stated separately from all other charges and**
9 **taxes. The order or ordinance shall not become effective unless the governing body of the**
10 **city submits to the voters residing within the city at a state general, primary, or special**
11 **election a proposal to authorize the governing body of the city to impose a tax under this**
12 **section.**

13 **2. The ballot of submission for the tax authorized in this section shall be in**
14 **substantially the following form:**

15 **Shall (insert the name of the city) impose a sales tax at a rate of (insert rate**
16 **of percent) percent, solely for the purpose of providing revenues for the operation of public**
17 **safety departments of the city?**

18 ☐ **YES**

☐ **NO**

19
20 **If you are in favor of the question, place an "X" in the box opposite "YES". If you are**
21 **opposed to the question, place an "X" in the box opposite "NO".**

22
23 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
24 **favor of the question, then the tax shall become effective on the first day of the second**
25 **calendar quarter immediately following notification to the department of revenue. If a**
26 **majority of the votes cast on the question by the qualified voters voting thereon are**
27 **opposed to the question, then the tax shall not become effective unless and until the**
28 **question is resubmitted under this section to the qualified voters and such question is**
29 **approved by a majority of the qualified voters voting on the question.**

30 **3. All revenue collected under this section by the director of the department of**
31 **revenue on behalf of any city, except for one percent for the cost of collection which shall**
32 **be deposited in the state's general revenue fund, shall be deposited in a special trust fund,**
33 **which is hereby created and shall be known as the "Public Safety Protection Sales Tax**
34 **Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not**
35 **be deemed to be state funds, and shall not be commingled with any funds of the state. The**
36 **director may make refunds from the amounts in the trust fund and credited to the city for**
37 **erroneous payments and overpayments made, and may redeem dishonored checks and**
38 **drafts deposited to the credit of such city. Any funds in the special trust fund which are**
39 **not needed for current expenditures shall be invested in the same manner as other funds**
40 **are invested. Any interest and moneys earned on such investments shall be credited to the**
41 **fund. The director shall keep accurate records of the amounts in the fund, and such**
42 **records shall be open to the inspection of the officers of such city and to the public. Not**
43 **later than the tenth day of each month, the director shall distribute all moneys deposited**
44 **in the fund during the preceding month to the city. Such funds shall be deposited with the**
45 **treasurer of the city, and all expenditures of moneys from the fund shall be by an**
46 **appropriation ordinance enacted by the governing body of the city.**

47 **4. On or after the effective date of the tax, the director of revenue shall be**
48 **responsible for the administration, collection, enforcement, and operation of the tax, and**
49 **sections 32.085 and 32.087, RSMo, shall apply. In order to permit sellers required to**
50 **collect and report the sales tax to collect the amount required to be reported and remitted,**

51 but not to change the requirements of reporting or remitting the tax, or to serve as a levy
52 of the tax, and in order to avoid fractions of pennies, the governing body of the city may
53 authorize the use of a bracket system similar to that authorized in section 144.285, RSMo,
54 and notwithstanding the provisions of that section, this new bracket system shall be used
55 where this tax is imposed and shall apply to all taxable transactions. Beginning with the
56 effective date of the tax, every retailer in the city shall add the sales tax to the sale price,
57 and this tax shall be a debt of the purchaser to the retailer until paid, and shall be
58 recoverable at law in the same manner as the purchase price. For purposes of this section,
59 all retail sales shall be deemed to be consummated at the place of business of the retailer.

60 5. All applicable provisions in sections 144.010 to 144.525, RSMo, governing the
61 state sales tax, and section 32.057, RSMo, the uniform confidentiality provision, shall apply
62 to the collection of the tax, and all exemptions granted to agencies of government,
63 organizations, and persons under sections 144.010 to 144.525, RSMo, are hereby made
64 applicable to the imposition and collection of the tax. The same sales tax permit, exemption
65 certificate, and retail certificate required by sections 144.010 to 144.525, RSMo, for the
66 administration and collection of the state sales tax shall satisfy the requirements of this
67 section, and no additional permit or exemption certificate or retail certificate shall be
68 required; except that, the director of revenue may prescribe a form of exemption certificate
69 for an exemption from the tax. All discounts allowed the retailer under the state sales tax
70 for the collection of and for payment of taxes are hereby allowed and made applicable to
71 the tax. The penalties for violations provided in section 32.057, RSMo, and sections
72 144.010 to 144.525, RSMo, are hereby made applicable to violations of this section. If any
73 person is delinquent in the payment of the amount required to be paid under this section,
74 or in the event a determination has been made against the person for the tax and penalties
75 under this section, the limitation for bringing suit for the collection of the delinquent tax
76 and penalties shall be the same as that provided in sections 144.010 to 144.525, RSMo.

77 6. The governing body of any city that has adopted the sales tax authorized in this
78 section may submit the question of repeal of the tax to the voters on any date available for
79 elections for the city. The ballot of submission shall be in substantially the following form:

80 Shall (insert the name of the city) repeal the sales tax imposed at a rate of
81 (insert rate of percent) percent for the purpose of providing revenues for the operation of
82 public safety departments of the city?

83 ☐ YES

☐ NO

84
85 If you are in favor of the question, place an "X" in the box opposite "YES". If you are
86 opposed to the question, place an "X" in the box opposite "NO".

87 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**
88 **favor of repeal, that repeal shall become effective on December thirty-first of the calendar**
89 **year in which such repeal was approved. If a majority of the votes cast on the question by**
90 **the qualified voters voting thereon are opposed to the repeal, then the sales tax authorized**
91 **in this section shall remain effective until the question is resubmitted under this section to**
92 **the qualified voters and the repeal is approved by a majority of the qualified voters voting**
93 **on the question.**

94 **7. Whenever the governing body of any city that has adopted the sales tax**
95 **authorized in this section receives a petition, signed by a number of registered voters of the**
96 **city equal to at least two percent of the number of registered voters of the city voting in the**
97 **last gubernatorial election, calling for an election to repeal the sales tax imposed under this**
98 **section, the governing body shall submit to the voters of the city a proposal to repeal the**
99 **tax. If a majority of the votes cast on the question by the qualified voters voting thereon**
100 **are in favor of the repeal, the repeal shall become effective on December thirty-first of the**
101 **calendar year in which such repeal was approved. If a majority of the votes cast on the**
102 **question by the qualified voters voting thereon are opposed to the repeal, then the sales tax**
103 **authorized in this section shall remain effective until the question is resubmitted under this**
104 **section to the qualified voters and the repeal is approved by a majority of the qualified**
105 **voters voting on the question.**

106 **8. If the tax is repealed or terminated by any means, all funds remaining in the**
107 **special trust fund shall continue to be used solely for the designated purposes, and the city**
108 **shall notify the director of the department of revenue of the action at least ninety days**
109 **before the effective date of the repeal and the director may order retention in the trust**
110 **fund, for a period of one year, of two percent of the amount collected after receipt of such**
111 **notice to cover possible refunds or overpayment of the tax and to redeem dishonored**
112 **checks and drafts deposited to the credit of such accounts. After one year has elapsed after**
113 **the effective date of abolition of the tax in such city, the director shall remit the balance in**
114 **the account to the city and close the account of that city. The director shall notify each city**
115 **of each instance of any amount refunded or any check redeemed from receipts due the city.**

192.925. 1. To increase public awareness of the problem of elder abuse and neglect **and**
2 **financial exploitation of the elderly**, the department of health and senior services shall
3 implement an education and awareness program. Such program shall have the goal of reducing
4 the incidences of elder abuse and neglect **and financial exploitation of the elderly**, and may
5 focus on:

6 (1) The education and awareness of mandatory reporters on their responsibility to report
7 elder abuse and neglect **and financial exploitation of the elderly**;

8 (2) Targeted education and awareness for the public on the problem, identification and
9 reporting of elder abuse and neglect **and financial exploitation of the elderly**;

10 (3) Publicizing the elder abuse and neglect hot line telephone number;

11 (4) Education and awareness for law enforcement agencies and prosecutors on the
12 problem and identification of elder abuse and neglect **and financial exploitation of the elderly**,
13 and the importance of prosecuting cases pursuant to chapter 565, RSMo; and

14 (5) Publicizing the availability of background checks prior to hiring an individual for
15 caregiving purposes.

16 2. The department of social services and facilities licensed pursuant to chapters 197 and
17 198, RSMo, shall cooperate fully with the department of health and senior services in the
18 distribution of information pursuant to this program.

195.017. 1. The department of health and senior services shall place a substance in
2 Schedule I if it finds that the substance:

3 (1) Has high potential for abuse; and

4 (2) Has no accepted medical use in treatment in the United States or lacks accepted
5 safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in Schedule I;

8 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
9 of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these
10 isomers, esters, ethers and salts is possible within the specific chemical designation:

11 (a) Acetyl-alpha-methylfentanyl;

12 (b) Acetylmethadol;

13 (c) Allylprodine;

14 (d) Alphacetylmethadol;

15 (e) Alphameprodine;

16 (f) Alphamethadol;

17 (g) Alpha-methylfentanyl;

18 (h) Alpha-methylthiofentanyl;

19 (i) Benzethidine;

20 (j) Betacetylmethadol;

21 (k) Beta-hydroxyfentanyl;

22 (l) Beta-hydroxy-3-methylfentanyl;

23 (m) Betameprodine;

24 (n) Betamethadol;

25 (o) Betaproline;

- 26 (p) Clonitazene;
- 27 (q) Dextromoramide;
- 28 (r) Diampromide;
- 29 (s) Diethylthiambutene;
- 30 (t) Difenoxin;
- 31 (u) Dimenoxadol;
- 32 (v) Dimepheptanol;
- 33 (w) Dimethylthiambutene;
- 34 (x) Dioxaphetyl butyrate;
- 35 (y) Dipipanone;
- 36 (z) Ethylmethylthiambutene;
- 37 (aa) Etonitazene;
- 38 (bb) Etoxeridine;
- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacymorphan;
- 44 (hh) 3-Methylfentanyl;
- 45 (ii) 3-Methylthiofentanyl;
- 46 (jj) Morpheridine;
- 47 (kk) MPPP;
- 48 (ll) Noracymethadol;
- 49 (mm) Norlevorphanol;
- 50 (nn) Normethadone;
- 51 (oo) Norpipanone;
- 52 (pp) Para-fluorofentanyl;
- 53 (qq) PEPAP;
- 54 (rr) Phenadoxone;
- 55 (ss) Phenampromide;
- 56 (tt) Phenomorphan;
- 57 (uu) Phenoperidine;
- 58 (vv) Piritramide;
- 59 (ww) Proheptazine;
- 60 (xx) Properidine;
- 61 (yy) Propiram;

62 (zz) Racemoramide;

63 (aaa) Thiofentanyl;

64 (bbb) Tilidine;

65 (ccc) Trimeperidine;

66 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
67 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers
68 is possible within the specific chemical designation:

69 (a) Acetorphine;

70 (b) Acetyldihydrocodeine;

71 (c) Benzylmorphine;

72 (d) Codeine methylbromide;

73 (e) Codeine-N-Oxide;

74 (f) Cyprenorphine;

75 (g) Desomorphine;

76 (h) Dihydromorphine;

77 (I) Drotebanol;

78 (j) Etorphine; (except Hydrochloride Salt);

79 (k) Heroin;

80 (l) Hydromorphenol;

81 (m) Methyl-desorphine;

82 (n) Methyl-dihydromorphine;

83 (o) Morphine methylbromide;

84 (p) Morphine methyl sulfonate;

85 (q) Morphine-N-Oxide;

86 (r) [Morphine] **Myrophine**;

87 (s) Nicocodeine;

88 (t) Nicomorphine;

89 (u) Normorphine;

90 (v) Pholcodine;

91 (w) Thebacon;

92 (4) Any material, compound, mixture or preparation which contains any quantity of the
93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
95 the specific chemical designation:

96 (a) [4-bromo-2] **4-bromo-2,5-dimethoxyamphetamine**;

97 (b) 4-bromo-2, 5-dimethoxyphenethylamine;

- 98 (c) 2,5-dimethoxyamphetamine;
- 99 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 100 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 101 (f) 4-methoxyamphetamine;
- 102 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 103 (h) 4-methyl-2,5-dimethoxy amphetamine;
- 104 (I) 3,4-methylenedioxyamphetamine;
- 105 (j) 3,4-methylenedioxymethamphetamine;
- 106 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 107 (l) [N-nhydroxy-3] **N-hydroxy-3**, 4-methylenedioxyamphetamine;
- 108 (m) 3,4,5-trimethoxyamphetamine;
- 109 (n) Alpha-ethyltryptamine;
- 110 (o) Benzylpiperazine or B.P.;
- 111 (p) Bufotenine;
- 112 (q) Diethyltryptamine;
- 113 (r) Dimethyltryptamine;
- 114 (s) Ibogaine;
- 115 (t) Lysergic acid diethylamide;
- 116 (u) Marijuana; (Marihuana);
- 117 (v) Mescaline;
- 118 (w) Parahexyl;
- 119 (x) Peyote, to include all parts of the plant presently classified botanically as Lophophora
- 120 Williamsil Lemaire, whether growing or not; the seeds thereof; any extract from any part of such
- 121 plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant,
- 122 its seed or extracts;
- 123 (y) N-ethyl-3-piperidyl benzilate;
- 124 (z) N-methyl-3-piperidyl benzilate;
- 125 (aa) Psilocybin;
- 126 (bb) Psilocyn;
- 127 (cc) Tetrahydrocannabinols;
- 128 (dd) Ethylamine analog of phencyclidine;
- 129 (ee) Pyrrolidine analog of phencyclidine;
- 130 (ff) Thiophene analog of phencyclidine;
- 131 (gg) 1-(3-Trifluoromethylphenyl)piperazine or TFMPP;
- 132 (hh) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;
- 133 (ii) Salvia divinorum;

- 134 (jj) Salvinorin A;
- 135 (5) Any material, compound, mixture or preparation containing any quantity of the
136 following substances having a depressant effect on the central nervous system, including their
137 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
138 isomers is possible within the specific chemical designation:
- 139 (a) Gamma hydroxybutyric acid;
- 140 (b) Mecloqualone;
- 141 (c) Methaqualone;
- 142 (6) Any material, compound, mixture or preparation containing any quantity of the
143 following substances having a stimulant effect on the central nervous system, including their
144 salts, isomers and salts of isomers:
- 145 (a) Aminorex;
- 146 (b) Cathinone;
- 147 (c) Fenethylamine;
- 148 (d) Methcathinone;
- 149 (e) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazoline);
- 150 (f) N-ethylamphetamine;
- 151 (g) N,N-dimethylamphetamine;
- 152 (7) A temporary listing of substances subject to emergency scheduling under federal law
153 shall include any material, compound, mixture or preparation which contains any quantity of the
154 following substances:
- 155 (a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical isomers,
156 salts and salts of isomers;
- 157 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its
158 optical isomers, salts and salts of isomers;
- 159 (c) Alpha-Methyltryptamine, or (AMT);
- 160 (d) 5-Methoxy-N,N-Diisopropyltryptamine, or(5-MeO-DIPT);
- 161 (8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*,
162 whether growing or not; the seeds thereof; any extract from any part of such plant; and every
163 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.
- 164 3. The department of health and senior services shall place a substance in Schedule II
165 if it finds that:
- 166 (1) The substance has high potential for abuse;
- 167 (2) The substance has currently accepted medical use in treatment in the United States,
168 or currently accepted medical use with severe restrictions; and
- 169 (3) The abuse of the substance may lead to severe psychic or physical dependence.

170 4. The controlled substances listed in this subsection are included in Schedule II:

171 (1) Any of the following substances whether produced directly or indirectly by extraction
172 from substances of vegetable origin, or independently by means of chemical synthesis, or by
173 combination of extraction and chemical synthesis:

174 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or
175 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
176 nalmeferene, naloxone and naltrexone, and their respective salts but including the following:

- 177 a. Raw opium;
- 178 b. Opium extracts;
- 179 c. Opium fluid;
- 180 d. Powdered opium;
- 181 e. Granulated opium;
- 182 f. Tincture of opium;
- 183 g. Codeine;
- 184 h. Ethylmorphine;
- 185 i. Etorphine hydrochloride;
- 186 j. Hydrocodone;
- 187 k. Hydromorphone;
- 188 l. Metopon;
- 189 m. Morphine;
- 190 n. Oxycodone;
- 191 o. Oxymorphone;
- 192 p. Thebaine;

193 (b) Any salt, compound, derivative, or preparation thereof which is chemically
194 equivalent or identical with any of the substances referred to in this subdivision, but not
195 including the isoquinoline alkaloids of opium;

196 (c) Opium poppy and poppy straw;

197 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
198 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
199 with any of these substances, but not including decocainized coca leaves or extractions which
200 do not contain cocaine or ecgonine;

201 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid
202 or powder form which contains the phenanthrene alkaloids of the opium poppy);

203 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
204 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within
205 the specific chemical designation, dextrophan and levopropoxyphene excepted:

- 206 (a) Alfentanil;
207 (b) Alphaprodine;
208 (c) Anileridine;
209 (d) Bezitramide;
210 (e) Bulk Dextropropoxyphene;
211 (f) Carfentanil;
212 (g) Butyl nitrite;
213 (h) Dihydrocodeine;
214 (I) Diphenoxylate;
215 (j) Fentanyl;
216 (k) Isomethadone;
217 (l) Levo-alphacetylmethadol;
218 (m) Levomethorphan;
219 (n) Levorphanol;
220 (o) Metazocine;
221 (p) Methadone;
222 (q) Meperidine;
223 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
224 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic
225 acid;
226 (t) Pethidine;
227 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
228 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
229 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
230 (x) Phenazocine;
231 (y) Piminodine;
232 (z) Racemethorphan;
233 (aa) Racemorphan;
234 (bb) Sufentanil;
235 (3) Any material, compound, mixture, or preparation which contains any quantity of the
236 following substances having a stimulant effect on the central nervous system:
237 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
238 (b) Methamphetamine, its salts, isomers, and salts of its isomers;
239 (c) Phenmetrazine and its salts;
240 (d) Methylphenidate;

241 (4) Any material, compound, mixture, or preparation which contains any quantity of the
242 following substances having a depressant effect on the central nervous system, including its salts,
243 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
244 is possible within the specific chemical designation:

- 245 (a) Amobarbital;
- 246 (b) Glutethimide;
- 247 (c) Pentobarbital;
- 248 (d) Phencyclidine;
- 249 (e) Secobarbital;

250 (5) Any material, compound or compound which contains any quantity of nabilone;

251 (6) Any material, compound, mixture, or preparation which contains any quantity of the
252 following substances:

- 253 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
- 254 (b) Immediate precursors to phencyclidine (PCP):
 - 255 a. 1-phenylcyclohexylamine;
 - 256 b. 1-piperidinocyclohexanecarbonitrile (PCC).

257 5. The department of health and senior services shall place a substance in Schedule III
258 if it finds that:

259 (1) The substance has a potential for abuse less than the substances listed in Schedules
260 I and II;

261 (2) The substance has currently accepted medical use in treatment in the United States;
262 and

263 (3) Abuse of the substance may lead to moderate or low physical dependence or high
264 psychological dependence.

265 6. The controlled substances listed in this subsection are included in Schedule III:

266 (1) Any material, compound, mixture, or preparation which contains any quantity of the
267 following substances having a potential for abuse associated with a stimulant effect on the
268 central nervous system:

- 269 (a) Benzphetamine;
- 270 (b) Chlorphentermine;
- 271 (c) Clortermine;
- 272 (d) Phendimetrazine;

273 (2) Any material, compound, mixture or preparation which contains any quantity or salt
274 of the following substances or salts having a depressant effect on the central nervous system:

275 (a) Any material, compound, mixture or preparation which contains any quantity or salt
276 of the following substances combined with one or more active medicinal ingredients:

- 277 a. Amobarbital;
- 278 b. Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in
- 279 a drug product for which an application has been approved under Section 505 of the Federal
- 280 Food, Drug, and Cosmetic Act;
- 281 c. Secobarbital;
- 282 d. Pentobarbital;
- 283 (b) Any suppository dosage form containing any quantity or salt of the following:
- 284 a. Amobarbital;
- 285 b. Secobarbital;
- 286 c. Pentobarbital;
- 287 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
- 288 salt;
- 289 (d) Chlorhexadol;
- 290 (e) Ketamine, its salts, isomers, and salts of isomers;
- 291 (f) Lysergic acid;
- 292 (g) Lysergic acid amide;
- 293 (h) Methyprylon;
- 294 (I) Sulfondiethylmethane;
- 295 (j) Sulfonethylmethane;
- 296 (k) Sulfonmethane;
- 297 (l) Tiletamine and zolazepam or any salt thereof;
- 298 (3) Nalorphine;
- 299 (4) Any material, compound, mixture, or preparation containing limited quantities of any
- 300 of the following narcotic drugs or their salts:
- 301 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
- 302 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid
- 303 of opium;
- 304 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
- 305 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
- 306 therapeutic amounts;
- 307 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
- 308 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an
- 309 isoquinoline alkaloid of opium;
- 310 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
- 311 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic
- 312 ingredients in recognized therapeutic amounts;

313 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than
314 ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized
315 therapeutic amounts;

316 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters
317 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic
318 ingredients in recognized therapeutic amounts;

319 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per
320 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more
321 active nonnarcotic ingredients in recognized therapeutic amounts;

322 (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one
323 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
324 amounts;

325 (5) Any material, compound, mixture, or preparation containing any of the following
326 narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;

327 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
328 pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids)
329 that promotes muscle growth, except an anabolic steroid which is expressly intended for
330 administration through implants to cattle or other nonhuman species and which has been
331 approved by the Secretary of Health and Human Services for that administration. If any person
332 prescribes, dispenses, or distributes such steroid for human use, such person shall be considered
333 to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this
334 paragraph. Unless specifically excepted or unless listed in another schedule, any material,
335 compound, mixture or preparation containing any quantity of the following substances, including
336 its salts, isomers and salts of isomers whenever the existence of such salts of isomers is possible
337 within the specific chemical designation:

338 (a) Boldenone;

339 (b) Chlorotestosterone (4-Chlortestosterone);

340 (c) Clostebol;

341 (d) Dehydrochlormethyltestosterone;

342 (e) Dihydrotestosterone (4-Dihydro-testosterone);

343 (f) Drostanolone;

344 (g) Ethylestrenol;

345 (h) Fluoxymesterone;

346 (I) Formebolone (Formebolone);

347 (j) Mesterolone;

348 (k) Methandienone;

- 349 (l) Methandranone;
350 (m) Methandriol;
351 (n) Methandrostenolone;
352 (o) Methenolone;
353 (p) Methyltestosterone;
354 (q) Mibolerone;
355 (r) Nandrolone;
356 (s) Norethandrolone;
357 (t) Oxandrolone;
358 (u) Oxymesterone;
359 (v) Oxymetholone;
360 (w) Stanolone;
361 (x) Stanozolol;
362 (y) Testolactone;
363 (z) Testosterone;
364 (aa) Trenbolone;
365 (bb) Any salt, ester, or isomer of a drug or substance described or listed in this
366 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid
367 which is expressly intended for administration through implants to cattle or other nonhuman
368 species and which has been approved by the Secretary of Health and Human Services for that
369 administration;
- 370 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
371 United States Food and Drug Administration approved drug product. Some other names for
372 dronabinol: (6aR-trans)-6a,7,8,10a- tetrahydro-6.6.9-trimethyl-3-pentyl-6H-dibenzo (b,d)
373 pyran-1-ol, or (-)- delta-9-(trans)-tetrahydracannabinol);
- 374 (8) The department of health and senior services may except by rule any compound,
375 mixture, or preparation containing any stimulant or depressant substance listed in subdivisions
376 (1) and (2) of this subsection from the application of all or any part of sections 195.010 to
377 195.320 if the compound, mixture, or preparation contains one or more active medicinal
378 ingredients not having a stimulant or depressant effect on the central nervous system, and if the
379 admixtures are included therein in combinations, quantity, proportion, or concentration that
380 vitiate the potential for abuse of the substances which have a stimulant or depressant effect on
381 the central nervous system.
- 382 7. The department of health and senior services shall place a substance in Schedule IV
383 if it finds that:
- 384 (1) The substance has a low potential for abuse relative to substances in Schedule III;

385 (2) The substance has currently accepted medical use in treatment in the United States;
386 and

387 (3) Abuse of the substance may lead to limited physical dependence or psychological
388 dependence relative to the substances in Schedule III.

389 8. The controlled substances listed in this subsection are included in Schedule IV:

390 (1) Any material, compound, mixture, or preparation containing any of the following
391 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
392 as set forth below:

393 (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms
394 of atropine sulfate per dosage unit;

395 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-
396 propionoxybutane);

397 (c) Any of the following limited quantities of narcotic drugs or their salts, which shall
398 include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer
399 upon the compound, mixture or preparation valuable medicinal qualities other than those
400 possessed by the narcotic drug alone:

401 a. Not more than two hundred milligrams of codeine per one hundred milliliters or per
402 one hundred grams;

403 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
404 or per one hundred grams;

405 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
406 or per one hundred grams;

407 (2) Any material, compound, mixture or preparation containing any quantity of the
408 following substances, including their salts, isomers, and salts of isomers whenever the existence
409 of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

410 (a) Alprazolam;

411 (b) Barbitol;

412 (c) Bromazepam;

413 (d) Camazepam;

414 (e) Chloral betaine;

415 (f) Chloral hydrate;

416 (g) Chlordiazepoxide;

417 (h) Clobazam;

418 (i) Clonazepam;

419 (j) Clorazepate;

420 (k) Clotiazepam;

- 421 (l) Cloxazolam;
- 422 (m) Delorazepam;
- 423 (n) Diazepam;
- 424 (o) Dichloralphenazone;
- 425 (p) Estazolam;
- 426 (q) Ethchlorvynol;
- 427 (r) Ethinamate;
- 428 (s) Ethyl loflazepate;
- 429 (t) Fludiazepam;
- 430 (u) Flunitrazepam;
- 431 (v) Flurazepam;
- 432 (w) Halazepam;
- 433 (x) Haloxazolam;
- 434 (y) Ketazolam;
- 435 (z) Loprazolam;
- 436 (aa) Lorazepam;
- 437 (bb) Lormetazepam;
- 438 (cc) Mebutamate;
- 439 (dd) Medazepam;
- 440 (ee) Meprobamate;
- 441 (ff) Methohexital;
- 442 (gg) Methylphenobarbital;
- 443 (hh) Midazolam;
- 444 (ii) Nimetazepam;
- 445 (jj) Nitrazepam;
- 446 (kk) Nordiazepam;
- 447 (ll) Oxazepam;
- 448 (mm) Oxazolam;
- 449 (nn) Paraldehyde;
- 450 (oo) Petrichloral;
- 451 (pp) Phenobarbital;
- 452 (qq) Pinazepam;
- 453 (rr) Prazepam;
- 454 (ss) Quazepam;
- 455 (tt) Temazepam;
- 456 (uu) Tetrazepam;

- 457 (vv) Triazolam;
458 (ww) Zaleplon;
459 (xx) Zolpidem;
460 **(yy) Zopiclone, including its salts, isomers, and salts of isomers;**
461 (3) Any material, compound, mixture, or preparation which contains any quantity of the
462 following substance including its salts, isomers and salts of isomers whenever the existence of
463 such salts, isomers and salts of isomers is possible: fenfluramine;
464 (4) Any material, compound, mixture or preparation containing any quantity of the
465 following substances having a stimulant effect on the central nervous system, including their
466 salts, isomers and salts of isomers:
467 (a) Cathine ((+)-norpseudoephedrine);
468 (b) Diethylpropion;
469 (c) Fencamfamin;
470 (d) Fenproporex;
471 (e) Mazindol;
472 (f) Mefenorex;
473 (g) Modafinil;
474 (h) Pemoline, including organometallic complexes and chelates thereof;
475 (I) Phentermine;
476 (j) Pipradrol;
477 (k) Sibutramine;
478 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
479 (5) Any material, compound, mixture or preparation containing any quantity of the
480 following substance, including its salts:
481 (a) butorphanol;
482 (b) pentazocine;
483 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance
484 is the only active medicinal ingredient;
485 (7) The department of health and senior services may except by rule any compound,
486 mixture, or preparation containing any depressant substance listed in subdivision (1) of this
487 subsection from the application of all or any part of sections 195.010 to 195.320 if the
488 compound, mixture, or preparation contains one or more active medicinal ingredients not having
489 a depressant effect on the central nervous system, and if the admixtures are included therein in
490 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the
491 substances which have a depressant effect on the central nervous system.

9. The department of health and senior services shall place a substance in Schedule V if it finds that:

(1) The substance has low potential for abuse relative to the controlled substances listed in Schedule IV;

(2) The substance has currently accepted medical use in treatment in the United States; and

(3) The substance has limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

10. The controlled substances listed in this subsection are included in Schedule V:

(1) Any compound, mixture or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(a) Not more than two and five-tenths milligrams of diphenoxylate and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams;

(c) Not more than five-tenths milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(2) Any material, compound, mixture or preparation which contains any quantity of the following substance having a stimulant effect on the central nervous system including its salts, isomers and salts of isomers: pyrovalerone;

(3) Any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound, mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical isomers, or salts of optical isomers;

(4) Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

(a) Pregabalin ((S)-3 (aminomethyl) - 5 - methylhexanoic acid).

11. If any compound, mixture, or preparation as specified in subdivision (3) of subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a prescription:

527 (1) All packages of any compound, mixture, or preparation containing any detectable
528 quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine,
529 its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind
530 a pharmacy counter where the public is not permitted, and only by a registered pharmacist or
531 registered pharmacy technician; and

532 (2) Any person purchasing, receiving or otherwise acquiring any compound, mixture,
533 or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers,
534 or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers
535 shall be at least eighteen years of age; and

536 (3) The pharmacist or registered pharmacy technician shall require any person
537 purchasing, receiving or otherwise acquiring such compound, mixture, or preparation, who is not
538 known to the pharmacist or registered pharmacy technician, to furnish suitable photo
539 identification showing the date of birth of the person.

540 12. Within ninety days of the enactment of this section, pharmacists and registered
541 pharmacy technicians shall implement and maintain a written or electronic log of each
542 transaction. Such log shall include the following information:

543 (1) The name and address of the purchaser;

544 (2) The amount of the compound, mixture, or preparation purchased;

545 (3) The date of each purchase; and

546 (4) The name or initials of the pharmacist or registered pharmacy technician who
547 dispensed the compound, mixture, or preparation to the purchaser.

548 13. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities
549 greater than those specified in this chapter.

550 14. Within thirty days of the enactment of this section, all persons who dispense or offer
551 for sale pseudoephedrine and ephedrine products in a pharmacy shall ensure that all such
552 products are located only behind a pharmacy counter where the public is not permitted.

553 15. Within thirty days of the enactment of this section, any business entity which sells
554 ephedrine or pseudoephedrine products in the course of legitimate business which is in the
555 possession of pseudoephedrine and ephedrine products, and which does not have a state and
556 federal controlled substances registration, shall return these products to a manufacturer or
557 distributor or transfer them to an authorized controlled substances registrant.

558 16. Any person who knowingly or recklessly violates the provisions of subsections 11
559 to 15 of this section is guilty of a class A misdemeanor.

560 17. The scheduling of substances specified in subdivision (3) of subsection 10 of this
561 section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds,
562 mixtures, or preparations that are in liquid or liquid-filled gel capsule form.

563 18. The manufacturer of a drug product or another interested party may apply with the
564 department of health and senior services for an exemption from this section. The department of
565 health and senior services may grant an exemption by rule from this section if the department
566 finds the drug product is not used in the illegal manufacture of methamphetamine or other
567 controlled or dangerous substances. The department of health and senior services shall rely on
568 reports from law enforcement and law enforcement evidentiary laboratories in determining if the
569 proposed product can be used to manufacture illicit controlled substances.

570 19. The department of health and senior services shall revise and republish the schedules
571 annually.

572 20. The department of health and senior services shall promulgate rules under chapter
573 536, RSMo, regarding the security and storage of Schedule V controlled substances, as described
574 in subdivision (3) of subsection 10 of this section, for distributors as registered by the department
575 of health and senior services.

**195.217. 1. A person commits the offense of distribution of a controlled substance
2 near a park if such person violates section 195.211 by unlawfully distributing or delivering
3 any controlled substance to a person in or on, or within one thousand feet of, the real
4 property comprising a public or private park, state park, county park, or municipal park.**

5 2. Distribution of a controlled substance near a park is a class A felony.

195.480. 1. As used in this section, the following words or phrases mean:

**2 (1) "Drug or alcohol test", a lawfully administered test designed to detect the
3 presence of a controlled substance or alcohol in the biological sample of an individual,
4 including but not limited to samples of blood, urine, hair, or fingernails;**

5 (2) "Fraudulent acts", include but are not limited to:

**6 (a) Possession of false tubing, bladders, containers, and other devices concealed on
7 the body to provide a false biological sample;**

8 (b) Submitting a false or adulterated biological sample to be tested;

**9 (c) Submitting a biological sample that was collected from another person or
10 animal;**

**11 (d) Adulterating a biological sample with the intent to thwart or defraud a drug or
12 alcohol test; or**

**13 (e) Submitting false documents or false material statements with the intent of
14 thwarting or defrauding a drug or alcohol test.**

**15 2. A person commits the offense of falsifying a drug or alcohol test or attempting
16 to falsify or defraud a drug or alcohol test if the person knowingly and intentionally
17 commits a fraudulent act to falsify or defraud a drug or alcohol test.**

18 **3. It shall be unlawful for any person to manufacture, possess, sell, give away,**
19 **distribute, or market a biological sample in this state or transport a biological sample in**
20 **this state, with the intent of using the biological sample to thwart or defraud a drug or**
21 **alcohol test.**

22 **4. It shall be unlawful for any person to manufacture, possess, sell, give away,**
23 **distribute, or market substances that are intended to be used to adulterate a biological**
24 **sample for the purpose of thwarting or defrauding a drug or alcohol test.**

25 **5. A violation of subsection 2 of this section shall be deemed a class C felony. A**
26 **violation of subsection 3 or 4 of this section shall be deemed a class A misdemeanor.**

210.482. 1. If the emergency placement of a child in a private home is necessary due to
2 the unexpected absence of the child's parents, legal guardian, or custodian, the juvenile court or
3 children's division:

4 (1) May request that a local or state law enforcement agency or juvenile officer, subject
5 to any required federal authorization, immediately conduct a name-based criminal history record
6 check to include full orders of protection and outstanding warrants of each person over the age
7 of seventeen residing in the home by using the Missouri uniform law enforcement system
8 (MULES) and the National Crime Information Center to access the Interstate Identification Index
9 maintained by the Federal Bureau of Investigation; and

10 (2) Shall determine or, in the case of the juvenile court, shall request the division to
11 determine whether any person over the age of seventeen years residing in the home is listed on
12 the child abuse and neglect registry.

13

14 For any children less than seventeen years of age residing in the home, the children's division
15 shall inquire of the person with whom an emergency placement of a child will be made whether
16 any children less than seventeen years of age residing in the home have ever been certified as an
17 adult and convicted of or pled guilty or nolo contendere to any crime.

18 2. If a name-based search has been conducted pursuant to subsection 1 of this section,
19 within fifteen [business] days after the emergency placement of the child in the private home,
20 and if the private home has not previously been approved as a foster or adoptive home, all
21 persons over the age of seventeen residing in the home and all children less than seventeen
22 residing in the home who the division has determined have been certified as an adult for the
23 commission of a crime[, other than persons within the second degree of consanguinity and
24 affinity to the child,] shall report to a local law enforcement agency for the purpose of providing
25 two sets of fingerprints each and accompanying fees, pursuant to section 43.530, RSMo. One
26 set of fingerprints shall be used by the highway patrol to search the criminal history repository
27 and the second set shall be forwarded to the Federal Bureau of Investigation for searching the

28 federal criminal history files. Results of the checks will be provided to the juvenile court or
29 children's division office requesting such information. Any child placed in emergency placement
30 in a private home shall be removed immediately if any person residing in the home fails to
31 provide fingerprints after being requested to do so, unless the person refusing to provide
32 fingerprints ceases to reside in the private home.

33 3. If the placement of a child is denied as a result of a name-based criminal history check
34 and the denial is contested, all persons over the age of seventeen residing in the home and all
35 children less than seventeen years of age residing in the home who the division has determined
36 have been certified as an adult for the commission of a crime shall, within fifteen [business]
37 days, submit to the juvenile court or the children's division two sets of fingerprints in the same
38 manner described in subsection 2 of this section, accompanying fees, and written permission
39 authorizing the juvenile court or the children's division to forward the fingerprints to the state
40 criminal record repository for submission to the Federal Bureau of Investigation. One set of
41 fingerprints shall be used by the highway patrol to search the criminal history repository and the
42 second set shall be forwarded to the Federal Bureau of Investigation for searching the federal
43 criminal history files.

44 4. Subject to appropriation, the total cost of fingerprinting required by this section may
45 be paid by the state, including reimbursement of persons incurring fingerprinting costs under this
46 section.

47 5. For the purposes of this section, "emergency placement" refers to those limited
48 instances when the juvenile court or children's division is placing a child in the home of private
49 individuals, including neighbors, friends, or relatives, as a result of a sudden unavailability of
50 the child's primary caretaker.

**217.439. Upon the victim's request, a photograph shall be taken of the incarcerated
2 individual prior to release from incarceration and a copy of the photograph shall be
3 provided to the crime victim.**

217.670. 1. The board shall adopt an official seal of which the courts shall take official
2 notice.

3 2. Decisions of the board regarding granting of paroles, extensions of a conditional
4 release date or revocations of a parole or conditional release shall be by a majority vote of the
5 hearing panel members. The hearing panel shall consist of one member of the board and two
6 hearing officers appointed by the board. A member of the board may remove the case from the
7 jurisdiction of the hearing panel and refer it to the full board for a decision. Within thirty days
8 of entry of the decision of the hearing panel to deny parole or to revoke a parole or conditional
9 release, the offender may appeal the decision of the hearing panel to the board. The board shall

10 consider the appeal within thirty days of receipt of the appeal. The decision of the board shall
11 be by majority vote of the board members and shall be final.

12 3. The orders of the board shall not be reviewable except as to compliance with the terms
13 of sections 217.650 to 217.810 or any rules promulgated pursuant to such section.

14 4. The board shall keep a record of its acts and shall notify each correctional center of
15 its decisions relating to persons who are or have been confined in such correctional center.

16 5. Notwithstanding any other provision of law, any meeting, record, or vote, of
17 proceedings involving probation, parole, or pardon, may be a closed meeting, closed record, or
18 closed vote.

19 **6. Notwithstanding any other provision of law, when the appearance or presence**
20 **of an offender before the board or a hearing panel is required for the purpose of deciding**
21 **whether to grant conditional release or parole, extend the date of conditional release,**
22 **revoke parole or conditional release, or for any other purpose, such appearance or**
23 **presence may occur by means of a video conference at the discretion of the board. Victims**
24 **having a right to attend such hearings may testify either at the site where the board is**
25 **conducting the video conference or at the institution where the offender is located.**

217.690. 1. When in its opinion there is reasonable probability that an offender of a
2 correctional center can be released without detriment to the community or to himself, the board
3 may in its discretion release or parole such person except as otherwise prohibited by law. All
4 paroles shall issue upon order of the board, duly adopted.

5 2. Before ordering the parole of any offender, the board shall have the offender appear
6 before a hearing panel and shall conduct a personal interview with him, unless waived by the
7 offender. A parole shall be ordered only for the best interest of society, not as an award of
8 clemency; it shall not be considered a reduction of sentence or a pardon. An offender shall be
9 placed on parole only when the board believes that he is able and willing to fulfill the obligations
10 of a law-abiding citizen. Every offender while on parole shall remain in the legal custody of the
11 department but shall be subject to the orders of the board.

12 3. The board has discretionary authority to require the payment of a fee, not to exceed
13 sixty dollars per month, from every offender placed under board supervision on probation,
14 parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful
15 nonpayment of fees, and to contract with a private entity for fee collections services. All fees
16 collected shall be deposited in the inmate fund established in section 217.430. Fees collected
17 may be used to pay the costs of contracted collections services. The fees collected may otherwise
18 be used to provide community corrections and intervention services for offenders. Such services
19 include substance abuse assessment and treatment, mental health assessment and treatment,
20 electronic monitoring services, residential facilities services, employment placement services,

21 and other offender community corrections or intervention services designated by the board to
22 assist offenders to successfully complete probation, parole, or conditional release. The board
23 shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to
24 sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

25 4. The board shall adopt rules not inconsistent with law, in accordance with section
26 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or
27 conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall
28 recite the conditions of such parole.

29 5. When considering parole for an offender with consecutive sentences, the minimum
30 term for eligibility for parole shall be calculated by adding the minimum terms for parole
31 eligibility for each of the consecutive sentences, except the minimum term for parole eligibility
32 shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

33 6. Any offender under a sentence for first degree murder who has been denied release
34 on parole after a parole hearing shall not be eligible for another parole hearing until at least three
35 years from the month of the parole denial; however, this subsection shall not prevent a release
36 pursuant to subsection 4 of section 558.011, RSMo.

37 7. Parole hearings shall, at a minimum, contain the following procedures:

38 (1) The victim or person representing the victim who attends a hearing may be
39 accompanied by one other person;

40 (2) The victim or person representing the victim who attends a hearing shall have the
41 option of giving testimony in the presence of the inmate or to the hearing panel without the
42 inmate being present;

43 (3) The victim or person representing the victim may call or write the parole board rather
44 than attend the hearing;

45 (4) The victim or person representing the victim may have a personal meeting with a
46 board member at the board's central office;

47 (5) The judge, prosecuting attorney or circuit attorney and a representative of the local
48 law enforcement agency investigating the crime shall be allowed to attend the hearing or provide
49 information to the hearing panel in regard to the parole consideration; and

50 (6) The board shall evaluate information listed in the juvenile sex offender registry
51 pursuant to section 211.425, RSMo, provided the offender is between the ages of seventeen and
52 twenty-one, as it impacts the safety of the community.

53 8. The board shall notify any person of the results of a parole eligibility hearing if the
54 person indicates to the board a desire to be notified.

55 9. The board may, at its discretion, require any offender seeking parole to meet certain
56 conditions during the term of that parole so long as said conditions are not illegal or impossible

57 for the offender to perform. These conditions may include an amount of restitution to the state
58 for the cost of that offender's incarceration. **These conditions may also include the**
59 **performance of a designated amount of free work for a public or charitable purpose as**
60 **determined by the board.**

61 **(1) An offender may refuse parole that is conditioned on the performance of free**
62 **work. In such cases, the board shall take that fact into account when exercising its**
63 **discretion to release the offender.**

64 **(2) Any county, city, person, organization, or agency, or any employee of a county,**
65 **city, organization, or agency charged with the supervision of such free work or who**
66 **benefits from its performance shall be immune from any suit by the offender or any person**
67 **deriving a cause of action from him or her if such cause of action arises from such**
68 **supervision of performance, except for an intentional tort or gross negligence. The services**
69 **performed by the offender shall not be deemed employment within the meaning of the**
70 **provisions of chapter 288, RSMo. An offender performing service under this section shall**
71 **not be deemed an employee within the meaning of the provisions of chapter 287, RSMo.**

72 10. Nothing contained in this section shall be construed to require the release of an
73 offender on parole nor to reduce the sentence of an offender heretofore committed.

74 11. Beginning January 1, 2001, the board shall not order a parole unless the offender has
75 obtained a high school diploma or its equivalent, or unless the board is satisfied that the offender,
76 while committed to the custody of the department, has made an honest good-faith effort to obtain
77 a high school diploma or its equivalent; provided that the director may waive this requirement
78 by certifying in writing to the board that the offender has actively participated in mandatory
79 education programs or is academically unable to obtain a high school diploma or its equivalent.

80 12. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
81 is created under the authority delegated in this section shall become effective only if it complies
82 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
83 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
84 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
85 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
86 grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be
87 invalid and void.

221.040. It shall be the duty of the sheriff and jailer to receive, from constables and other
2 officers, all persons who shall be apprehended by such constable or other officers, for offenses
3 against this state, or who shall be committed to such jail by any competent authority; and if any
4 sheriff or jailer shall refuse to receive any such person or persons, he shall be adjudged guilty of
5 a misdemeanor, and on conviction shall be fined in the discretion of the court. **Any sheriff or**

6 **jailer may refuse to accept or incarcerate any prisoner from other officers or constables**
7 **if the prisoner is deemed medically unfit for confinement.**

311.310. 1. Any licensee under this chapter, or his employee, who shall sell, vend, give
2 away or otherwise supply any intoxicating liquor, **or any nonintoxicating beer as defined in**
3 **section 312.010, RSMo**, in any quantity whatsoever to any person under the age of twenty-one
4 years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual
5 drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell,
6 give away or otherwise supply intoxicating liquor to any person under the age of twenty-one
7 years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to
8 a habitual drunkard, shall be deemed guilty of a misdemeanor, except that this section shall not
9 apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for
10 medical purposes only, or to the administering of such intoxicating liquor to any person by a duly
11 licensed physician. No person shall be denied a license or renewal of a license issued under this
12 chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the
13 capacity as an employee of a licensed establishment.

14 2. Any owner, occupant, or other person or legal entity with a lawful right to the
15 exclusive use and enjoyment of any property who knowingly allows a person under the age of
16 twenty-one to drink or possess intoxicating liquor or knowingly fails to stop a person under the
17 age of twenty-one from drinking or possessing intoxicating liquor on such property, unless such
18 person allowing the person under the age of twenty-one to drink or possess intoxicating liquor
19 is his or her parent or guardian, is guilty of a class B misdemeanor. Any second or subsequent
20 violation of this subsection is a class A misdemeanor.

21 3. It shall be a defense to prosecution under this section if:

22 (1) The defendant is a licensed retailer, club, drinking establishment, or caterer or holds
23 a temporary permit, or an employee thereof;

24 (2) The defendant sold the intoxicating liquor to the minor with reasonable cause to
25 believe that the minor was twenty-one or more years of age; and

26 (3) To purchase the intoxicating liquor, the person exhibited to the defendant a driver's
27 license, Missouri nondriver's identification card, or other official or apparently official document,
28 containing a photograph of the minor and purporting to establish that such minor was twenty-one
29 years of age and of the legal age for consumption of intoxicating liquor.

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts
2 to purchase, or has in his or her possession, any intoxicating liquor as defined in section
3 311.020, **any nonintoxicating beer as defined in section 312.010, RSMo**, or who is visibly
4 intoxicated as defined in section 577.001, RSMo, or has a detectable blood alcohol content of
5 more than two-hundredths of one percent or more by weight of alcohol in such person's blood

6 is guilty of a misdemeanor. For purposes of prosecution under this section or any other provision
7 of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under
8 twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating
9 liquor therein need not be opened or the contents therein tested to verify that there is intoxicating
10 liquor in such container. The alleged violator may allege that there was not intoxicating liquor
11 in such container, but the burden of proof of such allegation is on such person, as it shall be
12 presumed that such a sealed container describing that there is intoxicating liquor therein contains
13 intoxicating liquor.

14 2. For purposes of determining violations of any provision of this chapter, or of any rule
15 or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container
16 describing that there is intoxicating liquor therein need not be opened or the contents therein
17 tested to verify that there is intoxicating liquor in such container. The alleged violator may allege
18 that there was not intoxicating liquor in such container, but the burden of proof of such allegation
19 is on such person, as it shall be presumed that such a sealed container describing that there is
20 intoxicating liquor therein contains intoxicating liquor.

311.326. After a period of not less than one year[, or upon] **after** reaching the age of
2 twenty-one[, whichever occurs first,] a person who has pleaded guilty to or has been found guilty
3 of violating section 311.325 for the first time, and who since such conviction has not been
4 convicted of any other alcohol-related offense, may apply to the court in which he or she was
5 sentenced for an order to expunge all official records of his or her arrest, plea, trial and
6 conviction. If the court determines, upon review, that such person has not been convicted of any
7 other alcohol-related offense at the time of the application for expungement, and the person has
8 had no other alcohol-related enforcement contacts, as defined in section 302.525, RSMo, the
9 court shall enter an order of expungement. The effect of such an order shall be to restore such
10 person to the status he or she occupied prior to such arrest, plea or conviction, as if such event
11 had never happened. No person as to whom such order has been entered shall be held thereafter
12 under any provision of any law to be guilty of perjury or otherwise giving a false statement by
13 reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or
14 expungement in response to any inquiry made of him or her for any purpose whatsoever. A
15 person shall be entitled to only one expungement pursuant to this section. Nothing contained in
16 this section shall prevent courts or other state officials from maintaining such records as are
17 necessary to ensure that an individual receives only one expungement pursuant to this section.

409.1-102. In this act, unless the context otherwise requires:

2 (1) "Agent" means an individual, other than a broker-dealer, who represents a
3 broker-dealer in effecting or attempting to effect purchases or sales of securities or represents an
4 issuer in effecting or attempting to effect purchases or sales of the issuer's securities. But a

5 partner, officer, or director of a broker-dealer or issuer, or an individual having a similar status
6 or performing similar functions is an agent only if the individual otherwise comes within the
7 term. The term does not include an individual excluded by rule adopted or order issued under
8 this act.

9 (2) "Commissioner" means the commissioner of securities appointed by the secretary of
10 state.

11 (3) "Bank" means:

12 (A) A banking institution organized under the laws of the United States;

13 (B) A member bank of the Federal Reserve System;

14 (C) Any other banking institution, whether incorporated or not, doing business under the
15 laws of a state or of the United States, a substantial portion of the business of which consists of
16 receiving deposits or exercising fiduciary powers similar to those permitted to be exercised by
17 national banks under the authority of the Comptroller of the Currency pursuant to Section 1 of
18 Public Law 87-722 (12 U.S.C. Section 92a), and which is supervised and examined by a state
19 or federal agency having supervision over banks, and which is not operated for the purpose of
20 evading this act; and

21 (D) A receiver, conservator, or other liquidating agent of any institution or firm included
22 in subparagraph (A), (B), or (C).

23 (4) "Broker-dealer" means a person engaged in the business of effecting transactions in
24 securities for the account of others or for the person's own account. The term does not include:

25 (A) An agent;

26 (B) An issuer;

27 (C) A bank, a trust company organized or chartered under the laws of this state, or a
28 savings institution, if its activities as a broker-dealer are limited to those specified in subsections
29 3(a)(4)(B)(I) to (vi), (viii) to (x), and (xi) if limited to unsolicited transactions; 3(a)(5)(B); and
30 3(a)(5)(C) of the Securities Exchange Act of 1934 (15 U.S.C. Sections 78c(a)(4) and (5)) or a
31 bank that satisfies the conditions described in subsection 3(a)(4)(E) of the Securities Exchange
32 Act of 1934 (15 U.S.C. Section 78c(a)(4));

33 (D) An international banking institution; or

34 (E) A person excluded by rule adopted or order issued under this act.

35 (5) "Depository institution" means:

36 (A) A bank; or

37 (B) A savings institution, trust company, credit union, or similar institution that is
38 organized or chartered under the laws of a state or of the United States, authorized to receive
39 deposits, and supervised and examined by an official or agency of a state or the United States if
40 its deposits or share accounts are insured to the maximum amount authorized by statute by the

41 Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund, or a
42 successor authorized by federal law. The term does not include:

43 (I) An insurance company or other organization primarily engaged in the business of
44 insurance;

45 (ii) A Morris Plan bank; or

46 (iii) An industrial loan company **that is not an "insured depository institution" as**
47 **defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)), or**
48 **any successor federal statute.**

49 (6) "Federal covered investment adviser" means a person registered under the Investment
50 Advisers Act of 1940.

51 (7) "Federal covered security" means a security that is, or upon completion of a
52 transaction will be, a covered security under Section 18(b) of the Securities Act of 1933 (15
53 U.S.C. Section 77r(b)) or rules or regulations adopted pursuant to that provision.

54 (8) "Filing" means the receipt under this act of a record by the commissioner or a
55 designee of the commissioner.

56 (9) "Fraud", "deceit", and "defraud" are not limited to common law deceit.

57 (10) "Guaranteed" means guaranteed as to payment of all principal and all interest.

58 (11) "Institutional investor" means any of the following, whether acting for itself or for
59 others in a fiduciary capacity:

60 (A) A depository institution, a trust company organized or chartered under the laws of
61 this state, or an international banking institution;

62 (B) An insurance company;

63 (C) A separate account of an insurance company;

64 (D) An investment company as defined in the Investment Company Act of 1940;

65 (E) A broker-dealer registered under the Securities Exchange Act of 1934;

66 (F) An employee pension, profit-sharing, or benefit plan if the plan has total assets in
67 excess of ten million dollars or its investment decisions are made by a named fiduciary, as
68 defined in the Employee Retirement Income Security Act of 1974, that is a broker-dealer
69 registered under the Securities Exchange Act of 1934, an investment adviser registered or exempt
70 from registration under the Investment Advisers Act of 1940, an investment adviser registered
71 under this act, a depository institution, or an insurance company;

72 (G) A plan established and maintained by a state, a political subdivision of a state, or an
73 agency or instrumentality of a state or a political subdivision of a state for the benefit of its
74 employees, if the plan has total assets in excess of ten million dollars or its investment decisions
75 are made by a duly designated public official or by a named fiduciary, as defined in the
76 Employee Retirement Income Security Act of 1974, that is a broker-dealer registered under the

77 Securities Exchange Act of 1934, an investment adviser registered or exempt from registration
78 under the Investment Advisers Act of 1940, an investment adviser registered under this act, a
79 depository institution, or an insurance company;

80 (H) A trust, if it has total assets in excess of ten million dollars, its trustee is a depository
81 institution, and its participants are exclusively plans of the types identified in subparagraph (F)
82 or (G), regardless of the size of their assets, except a trust that includes as participants
83 self-directed individual retirement accounts or similar self-directed plans;

84 (I) An organization described in Section 501(c)(3) of the Internal Revenue Code (26
85 U.S.C. Section 501(c)(3)), corporation, Massachusetts trust or similar business trust, limited
86 liability company, or partnership, not formed for the specific purpose of acquiring the securities
87 offered, with total assets in excess of ten million dollars;

88 (J) A small business investment company licensed by the Small Business Administration
89 under Section 301(c) of the Small Business Investment Act of 1958 (15 U.S.C. Section 681(c))
90 with total assets in excess of ten million dollars;

91 (K) A private business development company as defined in Section 202(a)(22) of the
92 Investment Advisers Act of 1940 (15 U.S.C. Section 80b-2(a)(22)) with total assets in excess
93 of ten million dollars;

94 (L) A federal covered investment adviser acting for its own account;

95 (M) A "qualified institutional buyer" as defined in Rule 144A(a)(1), other than Rule
96 144A(a)(1)(i)(H), adopted under the Securities Act of 1933 (17 C.F.R. 230.144A);

97 (N) A "major U.S. institutional investor" as defined in Rule 15a-6(b)(4)(i) adopted
98 under the Securities Exchange Act of 1934 (17 C.F.R. 240.15a-6);

99 (O) Any other person, other than an individual, of institutional character with total assets
100 in excess of ten million dollars not organized for the specific purpose of evading this act; or

101 (P) Any other person specified by rule adopted or order issued under this act.

102 (12) "Insurance company" means a company organized as an insurance company whose
103 primary business is writing insurance or reinsuring risks underwritten by insurance companies
104 and which is subject to supervision by the insurance commissioner or a similar official or agency
105 of a state.

106 (13) "Insured" means insured as to payment of all principal and all interest.

107 (14) "International banking institution" means an international financial institution of
108 which the United States is a member and whose securities are exempt from registration under
109 the Securities Act of 1933.

110 (15) "Investment adviser" means a person that, for compensation, engages in the business
111 of advising others, either directly or through publications or writings, as to the value of securities
112 or the advisability of investing in, purchasing, or selling securities or that, for compensation and

113 as a part of a regular business, issues or promulgates analyses or reports concerning securities.
114 The term includes a financial planner or other person that, as an integral component of other
115 financially related services, provides investment advice to others for compensation as part of a
116 business or that holds itself out as providing investment advice to others for compensation. The
117 term does not include:

118 (A) An investment adviser representative;

119 (B) A lawyer, accountant, engineer, or teacher whose performance of investment advice
120 is solely incidental to the practice of the person's profession;

121 (C) A broker-dealer or its agents whose performance of investment advice is solely
122 incidental to the conduct of business as a broker-dealer and that does not receive special
123 compensation for the investment advice;

124 (D) A publisher of a bona fide newspaper, news magazine, or business or financial
125 publication of general and regular circulation;

126 (E) A federal covered investment adviser;

127 (F) A bank, a trust company organized or chartered under the laws of this state, or a
128 savings institution;

129 (G) Any other person that is excluded by the Investment Advisers Act of 1940 from the
130 definition of investment adviser; or

131 (H) Any other person excluded by rule adopted or order issued under this act.

132 (16) "Investment adviser representative" means an individual employed by or associated
133 with an investment adviser or federal covered investment adviser and who makes any
134 recommendations or otherwise gives investment advice regarding securities, manages accounts
135 or portfolios of clients, determines which recommendation or advice regarding securities should
136 be given, provides investment advice or holds herself or himself out as providing investment
137 advice, receives compensation to solicit, offer, or negotiate for the sale of or for selling
138 investment advice, or supervises employees who perform any of the foregoing. The term does
139 not include an individual who:

140 (A) Performs only clerical or ministerial acts;

141 (B) Is an agent whose performance of investment advice is solely incidental to the
142 individual acting as an agent and who does not receive special compensation for investment
143 advisory services;

144 (C) Is employed by or associated with a federal covered investment adviser, unless the
145 individual has a "place of business" in this state as that term is defined by rule adopted under
146 Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-3a) and is:

147 (i) An "investment adviser representative" as that term is defined by rule adopted under
148 Section 203A of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-3a); or

(ii) Not a "supervised person" as that term is defined in Section 202(a)(25) of the Investment Advisers Act of 1940 (15 U.S.C. Section 80b- 2(a)(25)); or

(D) Is excluded by rule adopted or order issued under this act.

(17) "Issuer" means a person that issues or proposes to issue a security, subject to the following:

(A) The issuer of a voting trust certificate, collateral trust certificate, certificate of deposit for a security, or share in an investment company without a board of directors or individuals performing similar functions is the person performing the acts and assuming the duties of depositor or manager pursuant to the trust or other agreement or instrument under which the security is issued.

(B) The issuer of an equipment trust certificate or similar security serving the same purpose is the person by which the property is or will be used or to which the property or equipment is or will be leased or conditionally sold or that is otherwise contractually responsible for assuring payment of the certificate.

(C) The issuer of a fractional undivided interest in an oil, gas, or other mineral lease or in payments out of production under a lease, right, or royalty is the owner of an interest in the lease or in payments out of production under a lease, right, or royalty, whether whole or fractional, that creates fractional interests for the purpose of sale.

(18) "Nonissuer transaction" or "nonissuer distribution" means a transaction or distribution not directly or indirectly for the benefit of the issuer.

(19) "Offer to purchase" includes an attempt or offer to obtain, or solicitation of an offer to sell, a security or interest in a security for value. The term does not include a tender offer that is subject to Section 14(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)).

(20) "Person" means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

(21) "Place of business" of a broker-dealer, an investment adviser, or a federal covered investment adviser means:

(A) An office at which the broker-dealer, investment adviser, or federal covered investment adviser regularly provides brokerage or investment advice or solicits, meets with, or otherwise communicates with customers or clients; or

(B) Any other location that is held out to the general public as a location at which the broker-dealer, investment adviser, or federal covered investment adviser provides brokerage or investment advice or solicits, meets with, or otherwise communicates with customers or clients.

(22) "Predecessor act" means sections 409.101, 409.102 and 409.201 to 409.421, as repealed by this act.

185 (23) "Price amendment" means the amendment to a registration statement filed under
186 the Securities Act of 1933 or, if an amendment is not filed, the prospectus or prospectus
187 supplement filed under the Securities Act of 1933 that includes a statement of the offering price,
188 underwriting and selling discounts or commissions, amount of proceeds, conversion rates, call
189 prices, and other matters dependent upon the offering price.

190 (24) "Principal place of business" of a broker-dealer or an investment adviser means the
191 executive office of the broker-dealer or investment adviser from which the officers, partners, or
192 managers of the broker-dealer or investment adviser direct, control, and coordinate the activities
193 of the broker-dealer or investment adviser.

194 (25) "Record", except in the phrases "of record", "official record", and "public record",
195 means information that is inscribed on a tangible medium or that is stored in an electronic or
196 other medium and is retrievable in perceivable form.

197 (26) "Sale" includes every contract of sale, contract to sell, or disposition of, a security
198 or interest in a security for value, and "offer to sell" includes every attempt or offer to dispose
199 of, or solicitation of an offer to purchase, a security or interest in a security for value. Both terms
200 include:

201 (A) A security given or delivered with, or as a bonus on account of, a purchase of
202 securities or any other thing constituting part of the subject of the purchase and having been
203 offered and sold for value;

204 (B) A gift of assessable stock involving an offer and sale; and

205 (C) A sale or offer of a warrant or right to purchase or subscribe to another security of
206 the same or another issuer and a sale or offer of a security that gives the holder a present or future
207 right or privilege to convert the security into another security of the same or another issuer,
208 including an offer of the other security.

209 (27) "Securities and Exchange Commission" means the United States Securities and
210 Exchange Commission.

211 (28) "Security" means a note; stock; treasury stock; security future; bond; debenture;
212 evidence of indebtedness; certificate of interest or participation in a profit-sharing agreement;
213 collateral trust certificate; preorganization certificate or subscription; transferable share;
214 investment contract; voting trust certificate; certificate of deposit for a security; fractional
215 undivided interest in oil, gas, or other mineral rights; put, call, straddle, option, or privilege on
216 a security, certificate of deposit, or group or index of securities, including an interest therein or
217 based on the value thereof; put, call, straddle, option, or privilege entered into on a national
218 securities exchange relating to foreign currency; or, in general, an interest or instrument
219 commonly known as a "security"; or a certificate of interest or participation in, temporary or

220 interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase,
221 any of the foregoing. The term:

222 (A) Includes both a certificated and an uncertificated security;

223 (B) Does not include an insurance or endowment policy or annuity contract under which
224 an insurance company promises to pay money either in a lump sum or periodically for life or
225 other specified period;

226 (C) Does not include an interest in a contributory or noncontributory pension or welfare
227 plan subject to the Employee Retirement Income Security Act of 1974;

228 (D) Includes as an "investment contract" an investment in a common enterprise with the
229 expectation of profits to be derived primarily from the efforts of a person other than the investor
230 and a "common enterprise" means an enterprise in which the fortunes of the investor are
231 interwoven with those of either the person offering the investment, a third party, or other
232 investors; and

233 (E) May include as an "investment contract", among other contracts, an interest in a
234 limited partnership and a limited liability company and an investment in a viatical settlement or
235 similar agreement.

236 (29) "Self-regulatory organization" means a national securities exchange registered under
237 the Securities Exchange Act of 1934, a national securities association of broker-dealers
238 registered under the Securities Exchange Act of 1934, a clearing agency registered under the
239 Securities Exchange Act of 1934, or the Municipal Securities Rulemaking Board established
240 under the Securities Exchange Act of 1934.

241 (30) "Sign" means, with present intent to authenticate or adopt a record:

242 (A) To execute or adopt a tangible symbol; or

243 (B) To attach or logically associate with the record an electronic symbol, sound, or
244 process.

245 (31) "State" means a state of the United States, the District of Columbia, Puerto Rico,
246 the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction
247 of the United States.

409.2-202. The following transactions are exempt from the requirements of sections
2 409.3-301 to 409.3-306 and 409.5-504:

3 (1) An isolated nonissuer transaction, whether effected by or through a broker-dealer or
4 not;

5 (2) A nonissuer transaction by or through a broker-dealer registered, or exempt from
6 registration under this act, and a resale transaction by a sponsor of a unit investment trust
7 registered under the Investment Company Act of 1940, in a security of a class that has been
8 outstanding in the hands of the public for at least ninety days, if, at the date of the transaction:

9 (A) The issuer of the security is engaged in business, the issuer is not in the
10 organizational stage or in bankruptcy or receivership, and the issuer is not a blank check, blind
11 pool, or shell company that has no specific business plan or purpose or has indicated that its
12 primary business plan is to engage in a merger or combination of the business with, or an
13 acquisition of, an unidentified person;

14 (B) The security is sold at a price reasonably related to its current market price;

15 (C) The security does not constitute the whole or part of an unsold allotment to, or a
16 subscription or participation by, the broker-dealer as an underwriter of the security or a
17 redistribution; [and]

18 (D) A nationally recognized securities manual or its electronic equivalent designated by
19 rule adopted or order issued under this act or a record filed with the Securities and Exchange
20 Commission that is publicly available contains:

21 (i) A description of the business and operations of the issuer;

22 (ii) The names of the issuer's executive officers and the names of the issuer's directors,
23 if any;

24 (iii) An audited balance sheet of the issuer as of a date within eighteen months before
25 the date of the transaction or, in the case of a reorganization or merger when the parties to the
26 reorganization or merger each had an audited balance sheet, a pro forma balance sheet for the
27 combined organization; and

28 (iv) An audited income statement for each of the issuer's two immediately previous fiscal
29 years or for the period of existence of the issuer, whichever is shorter, or, in the case of a
30 reorganization or merger when each party to the reorganization or merger had audited income
31 statements, a pro forma income statement; [or] **and**

32 (E) **Any one of the following requirements is met:**

33 (i) The issuer of the security has a class of equity securities listed on a national securities
34 exchange registered under [the] **section 6 of** Securities Exchange Act of 1934 or designated for
35 trading on the National Association of Securities Dealers Automated Quotation System[, unless]
36 ;

37 (ii) The issuer of the security is a unit investment trust registered under the Investment
38 Company Act of 1940; [or]

39 (iii) The issuer of the security, including its predecessors, has been engaged in
40 continuous business for at least three years; or

41 (iv) The issuer of the security has total assets of at least two million dollars based on an
42 audited balance sheet as of a date within eighteen months before the date of the transaction or,
43 in the case of a reorganization or merger when the parties to the reorganization or merger each

44 had [the] **such an** audited balance sheet, a pro forma balance sheet for the combined
45 organization;

46 (3) A nonissuer transaction by or through a broker-dealer registered or exempt from
47 registration under this act in a security of a foreign issuer that is a margin security defined in
48 regulations or rules adopted by the Board of Governors of the Federal Reserve System;

49 (4) A nonissuer transaction by or through a broker-dealer registered or exempt from
50 registration under this act in an outstanding security if the guarantor of the security files reports
51 with the Securities and Exchange Commission under the reporting requirements of Section 13
52 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m or 78o(d));

53 (5) A nonissuer transaction by or through a broker-dealer registered or exempt from
54 registration under this act in a security that:

55 (A) Is rated at the time of the transaction by a nationally recognized statistical rating
56 organization in one of its four highest rating categories; or

57 (B) Has a fixed maturity or a fixed interest or dividend, if:

58 (i) A default has not occurred during the current fiscal year or within the three previous
59 fiscal years or during the existence of the issuer and any predecessor if less than three fiscal
60 years, in the payment of principal, interest, or dividends on the security; and

61 (ii) The issuer is engaged in business, is not in the organizational stage or in bankruptcy
62 or receivership, and is not and has not been within the previous twelve months a blank check,
63 blind pool, or shell company that has no specific business plan or purpose or has indicated that
64 its primary business plan is to engage in a merger or combination of the business with, or an
65 acquisition of, an unidentified person;

66 (6) A nonissuer transaction by or through a broker-dealer registered or exempt from
67 registration under this act effecting an unsolicited order or offer to purchase;

68 (7) A nonissuer transaction executed by a bona fide pledgee without the purpose of
69 evading this act;

70 (8) A nonissuer transaction by a federal covered investment adviser with investments
71 under management in excess of one hundred million dollars acting in the exercise of
72 discretionary authority in a signed record for the account of others;

73 (9) A transaction in a security, whether or not the security or transaction is otherwise
74 exempt, in exchange for one or more bona fide outstanding securities, claims, or property
75 interests, or partly in such exchange and partly for cash, if the terms and conditions of the
76 issuance and exchange or the delivery and exchange and the fairness of the terms and conditions
77 have been approved by the commissioner after a hearing;

78 (10) A transaction between the issuer or other person on whose behalf the offering is
79 made and an underwriter, or among underwriters;

80 (11) A transaction in a note, bond, debenture, or other evidence of indebtedness secured
81 by a mortgage or other security agreement if:

82 (A) The note, bond, debenture, or other evidence of indebtedness is offered and sold with
83 the mortgage or other security agreement as a unit;

84 (B) A general solicitation or general advertisement of the transaction is not made; and

85 (C) A commission or other remuneration is not paid or given, directly or indirectly, to
86 a person not registered under this act as a broker-dealer or as an agent;

87 (12) A transaction by an executor, commissioner of an estate, sheriff, marshal, receiver,
88 trustee in bankruptcy, guardian, or conservator;

89 (13) A sale or offer to sell to:

90 (A) An institutional investor;

91 (B) A federal covered investment adviser; or

92 (C) Any other person exempted by rule adopted or order issued under this act;

93 (14) A sale or an offer to sell securities of an issuer, if **the transaction** is part of a single
94 issue in which:

95 (A) Not more than twenty-five purchasers are present in this state during any twelve
96 consecutive months, other than those designated in paragraph (13);

97 (B) A general solicitation or general advertising is not made in connection with the offer
98 to sell or sale of the securities;

99 (C) A commission or other remuneration is not paid or given, directly or indirectly, to
100 a person other than a broker-dealer registered under this act or an agent registered under this act
101 for soliciting a prospective purchaser in this state; and

102 (D) The issuer reasonably believes that all the purchasers in this state, other than those
103 designated in paragraph (13), are purchasing for investment;

104 (15) A transaction under an offer to existing security holders of the issuer, including
105 persons that at the date of the transaction are holders of convertible securities, options, or
106 warrants, if a commission or other remuneration, other than a standby commission, is not paid
107 or given, directly or indirectly, for soliciting a security holder in this state;

108 (16) An offer to sell, but not a sale, of a security not exempt from registration under the
109 Securities Act of 1933 if:

110 (A) A registration or offering statement or similar record as required under the Securities
111 Act of 1933 has been filed, but is not effective, or the offer is made in compliance with Rule 165
112 adopted under the Securities Act of 1933 (17 C.F.R. 230.165); and

113 (B) A stop order of which the offeror is aware has not been issued against the offeror by
114 the commissioner or the Securities and Exchange Commission, and an audit, inspection, or

115 proceeding that is public and that may culminate in a stop order is not known by the offeror to
116 be pending;

117 (17) An offer to sell, but not a sale, of a security exempt from registration under the
118 Securities Act of 1933 if:

119 (A) A registration statement has been filed under this act, but is not effective;

120 (B) A solicitation of interest is provided in a record to offerees in compliance with a rule
121 adopted by the commissioner under this act; and

122 (C) A stop order of which the offeror is aware has not been issued by the commissioner
123 under this act and an audit, inspection, or proceeding that may culminate in a stop order is not
124 known by the offeror to be pending;

125 (18) A transaction involving the distribution of the securities of an issuer to the security
126 holders of another person in connection with a merger, consolidation, exchange of securities, sale
127 of assets, or other reorganization to which the issuer, or its parent or subsidiary and the other
128 person, or its parent or subsidiary, are parties;

129 (19) A rescission offer, sale, or purchase under section 409.5-510;

130 (20) An offer or sale of a security to a person not a resident of this state and not present
131 in this state if the offer or sale does not constitute a violation of the laws of the state or foreign
132 jurisdiction in which the offeree or purchaser is present and is not part of an unlawful plan or
133 scheme to evade this act;

134 (21) Employees' stock purchase, savings, option, profit-sharing, pension, or similar
135 employees' benefit plan, including any securities, plan interests, and guarantees issued under a
136 compensatory benefit plan or compensation contract, contained in a record, established by the
137 issuer, its parents, its majority-owned subsidiaries, or the majority-owned subsidiaries of the
138 issuer's parent for the participation of their employees including offers or sales of such securities
139 to:

140 (A) Directors; general partners; trustees, if the issuer is a business trust; officers;
141 consultants; and advisors;

142 (B) Family members who acquire such securities from those persons through gifts or
143 domestic relations orders;

144 (C) Former employees, directors, general partners, trustees, officers, consultants, and
145 advisors if those individuals were employed by or providing services to the issuer when the
146 securities were offered;

147 (D) Insurance agents who are exclusive insurance agents of the issuer, or the issuer's
148 subsidiaries or parents, or who derive more than fifty percent of their annual income from those
149 organizations; and

150 (E) Current employees;

151 (22) A transaction involving:

152 (A) A stock dividend or equivalent equity distribution, whether the corporation or other
153 business organization distributing the dividend or equivalent equity distribution is the issuer or
154 not, if nothing of value is given by stockholders or other equity holders for the dividend or
155 equivalent equity distribution other than the surrender of a right to a cash or property dividend
156 if each stockholder or other equity holder may elect to take the dividend or equivalent equity
157 distribution in cash, property, or stock;

158 (B) An act incident to a judicially approved reorganization in which a security is issued
159 in exchange for one or more outstanding securities, claims, or property interests, or partly in such
160 exchange and partly for cash; or

161 (C) The solicitation of tenders of securities by an offeror in a tender offer in compliance
162 with Rule 162 adopted under the Securities Act of 1933 (17 C.F.R. 230.162); or

163 (23) A nonissuer transaction in an outstanding security by or through a broker-dealer
164 registered or exempt from registration under this act, if the issuer is a reporting issuer in a foreign
165 jurisdiction designated by this paragraph or by rule adopted or order issued under this act; has
166 been subject to continuous reporting requirements in the foreign jurisdiction for not less than one
167 hundred eighty days before the transaction; and the security is listed on the foreign jurisdiction's
168 securities exchange that has been designated by this paragraph or by rule adopted or order issued
169 under this act, or is a security of the same issuer that is of senior or substantially equal rank to
170 the listed security or is a warrant or right to purchase or subscribe to any of the foregoing. For
171 purposes of this paragraph, Canada, together with its provinces and territories, is a designated
172 foreign jurisdiction and The Toronto Stock Exchange, Inc., is a designated securities exchange.
173 After an administrative hearing in compliance with chapter 536, RSMo, the commissioner, by
174 rule adopted or order issued under this act, may revoke the designation of a securities exchange
175 under this paragraph, if the commissioner finds that revocation is necessary or appropriate in the
176 public interest and for the protection of investors.

409.3-304. (a) A security may be registered by qualification under this section.

2 (b) A registration statement under this section must contain the information or records
3 specified in section 409.3-305, a consent to service of process complying with section 409.6-611,
4 and, if required by rule adopted under this act, the following information or records:

5 (1) With respect to the issuer and any significant subsidiary, its name, address, and form
6 of organization; the state or foreign jurisdiction and date of its organization; the general character
7 and location of its business; a description of its physical properties and equipment; and a
8 statement of the general competitive conditions in the industry or business in which it is or will
9 be engaged;

10 (2) With respect to each director and officer of the issuer, and other person having a
11 similar status or performing similar functions, the person's name, address, and principal
12 occupation for the previous five years; the amount of securities of the issuer held by the person
13 as of the thirtieth day before the filing of the registration statement; the amount of the securities
14 covered by the registration statement to which the person has indicated an intention to subscribe;
15 and a description of any material interest of the person in any material transaction with the issuer
16 or a significant subsidiary effected within the previous three years or proposed to be effected;

17 (3) With respect to persons covered by paragraph (2), the aggregate sum of the
18 remuneration paid to those persons during the previous twelve months and estimated to be paid
19 during the next twelve months, directly or indirectly, by the issuer, and all predecessors, parents,
20 subsidiaries, and affiliates of the issuer;

21 (4) With respect to a person owning of record or owning beneficially, if known, ten
22 percent or more of the outstanding shares of any class of equity security of the issuer, the
23 information specified in paragraph (2) other than the person's occupation;

24 (5) With respect to a promoter, if the issuer was organized within the previous three
25 years, the information or records specified in paragraph (2), any amount paid to the promoter
26 within that period or intended to be paid to the promoter, and the consideration for the payment;

27 (6) With respect to a person on whose behalf any part of the offering is to be made in a
28 nonissuer distribution, the person's name and address; the amount of securities of the issuer held
29 by the person as of the date of the filing of the registration statement; a description of any
30 material interest of the person in any material transaction with the issuer or any significant
31 subsidiary effected within the previous three years or proposed to be effected; and a statement
32 of the reasons for making the offering;

33 (7) The capitalization and long term debt, on both a current and pro forma basis, of the
34 issuer and any significant subsidiary, including a description of each security outstanding or
35 being registered or otherwise offered, and a statement of the amount and kind of consideration,
36 whether in the form of cash, physical assets, services, patents, goodwill, or anything else of
37 value, for which the issuer or any subsidiary has issued its securities within the previous two
38 years or is obligated to issue its securities;

39 (8) The kind and amount of securities to be offered; the proposed offering price or the
40 method by which it is to be computed; any variation at which a proportion of the offering is to
41 be made to a person or class of persons other than the underwriters, with a specification of the
42 person or class; the basis on which the offering is to be made if otherwise than for cash; the
43 estimated aggregate underwriting and selling discounts or commissions and finders' fees,
44 including separately cash, securities, contracts, or anything else of value to accrue to the
45 underwriters or finders in connection with the offering or, if the selling discounts or commissions

46 are variable, the basis of determining them and their maximum and minimum amounts; the
47 estimated amounts of other selling expenses, including legal, engineering, and accounting
48 charges; the name and address of each underwriter and each recipient of a finder's fee; a copy of
49 any underwriting or selling group agreement under which the distribution is to be made or the
50 proposed form of any such agreement whose terms have not yet been determined; and a
51 description of the plan of distribution of any securities that are to be offered otherwise than
52 through an underwriter;

53 (9) The estimated monetary proceeds to be received by the issuer from the offering; the
54 purposes for which the proceeds are to be used by the issuer; the estimated amount to be used
55 for each purpose; the order or priority in which the proceeds will be used for the purposes stated;
56 the amounts of any funds to be raised from other sources to achieve the purposes stated; the
57 sources of the funds; and, if a part of the proceeds is to be used to acquire property, including
58 goodwill, otherwise than in the ordinary course of business, the names and addresses of the
59 vendors, the purchase price, the names of any persons that have received commissions in
60 connection with the acquisition, and the amounts of the commissions and other expenses in
61 connection with the acquisition, including the cost of borrowing money to finance the
62 acquisition;

63 (10) A description of any stock options or other security options outstanding, or to be
64 created in connection with the offering, and the amount of those options held or to be held by
65 each person required to be named in paragraph (2), (4), (5), (6), or (8) and by any person that
66 holds or will hold ten percent or more in the aggregate of those options;

67 (11) The dates of, parties to, and general effect concisely stated of each managerial or
68 other material contract made or to be made otherwise than in the ordinary course of business to
69 be performed in whole or in part at or after the filing of the registration statement or that was
70 made within the previous two years, and a copy of the contract;

71 (12) A description of any pending litigation, action, or proceeding to which the issuer
72 is a party and that materially affects its business or assets, and any litigation, action, or
73 proceeding known to be contemplated by governmental authorities;

74 (13) A copy of any prospectus, pamphlet, circular, form letter, advertisement, or other
75 sales literature intended as of the effective date to be used in connection with the offering and
76 any solicitation of interest used in compliance with section 409.2-202(17)(B);

77 (14) A specimen or copy of the security being registered, unless the security is
78 uncertificated; a copy of the issuer's articles of incorporation and bylaws or their substantial
79 equivalents, in effect; and a copy of any indenture or other instrument covering the security to
80 be registered;

81 (15) A signed or conformed copy of an opinion of counsel concerning the legality of the
82 security being registered, with an English translation if it is in a language other than English,
83 which states whether the security when sold will be validly issued, fully paid, and nonassessable
84 and, if a debt security, a binding obligation of the issuer;

85 (16) A signed or conformed copy of a consent of any accountant, engineer, appraiser, or
86 other person whose profession gives authority for a statement made by the person, if the person
87 is named as having prepared or certified a report or valuation, other than an official record, that
88 is public, which is used in connection with the registration statement;

89 (17) A balance sheet of the issuer as of a date within four months before the filing of the
90 registration statement; a statement of income and [changes in financial position] **a statement of**
91 **cash flows** for each of the three fiscal years preceding the date of the balance sheet and for any
92 period between the close of the immediately previous fiscal year and the date of the balance
93 sheet, or for the period of the issuer's and any predecessor's existence if less than three years; and,
94 if any part of the proceeds of the offering is to be applied to the purchase of a business, the
95 financial statements that would be required if that business were the registrant; and

96 (18) Any additional information or records required by rule adopted or order issued
97 under this act.

98 (c) A registration statement under this section becomes effective thirty days, or any
99 shorter period provided by rule adopted or order issued under this act, after the date the
100 registration statement or the last amendment other than a price amendment is filed, if:

101 (1) A stop order is not in effect and a proceeding is not pending under section 409.3-306;

102 (2) The commissioner has not issued an order under section 409.3-306 delaying
103 effectiveness; and

104 (3) The applicant or registrant has not requested that effectiveness be delayed.

105 (d) The commissioner may delay effectiveness once for not more than ninety days if the
106 commissioner determines the registration statement is not complete in all material respects and
107 promptly notifies the applicant or registrant of that determination. The commissioner may also
108 delay effectiveness for a further period of not more than thirty days if the commissioner
109 determines that the delay is necessary or appropriate.

110 (e) A rule adopted or order issued under this act may require as a condition of
111 registration under this section that a prospectus containing a specified part of the information or
112 record specified in subsection (b) be sent or given to each person to which an offer is made,
113 before or concurrently, with the earliest of:

114 (1) The first offer made in a record to the person otherwise than by means of a public
115 advertisement, by or for the account of the issuer or another person on whose behalf the offering

116 is being made or by an underwriter or broker-dealer that is offering part of an unsold allotment
117 or subscription taken by the person as a participant in the distribution;

118 (2) The confirmation of a sale made by or for the account of the person;

119 (3) Payment pursuant to such a sale; or

120 (4) Delivery of the security pursuant to such a sale.

409.4-401. (a) It is unlawful for a person to transact business in this state as a
2 broker-dealer unless the person is registered under this act as a broker-dealer or is exempt from
3 registration as a broker-dealer under subsection (b) or (d).

4 (b) The following persons are exempt from the registration requirement of subsection
5 (a):

6 (1) A broker-dealer without a place of business in this state if its only transactions
7 effected in this state are with:

8 (A) The issuer of the securities involved in the transactions;

9 (B) A broker-dealer registered **as a broker-dealer** under this act or not required to be
10 registered as a broker-dealer under this act;

11 (C) An institutional investor;

12 (D) A nonaffiliated federal covered investment adviser with investments under
13 management in excess of one hundred million dollars acting for the account of others pursuant
14 to discretionary authority in a signed record;

15 (E) A bona fide preexisting customer whose principal place of residence is not in this
16 state and the person is registered as a broker- dealer under the Securities Exchange Act of 1934
17 or not required to be registered under the Securities Exchange Act of 1934 and is registered
18 under the securities act of the state in which the customer maintains a principal place of
19 residence;

20 (F) A bona fide preexisting customer whose principal place of residence is in this state
21 but was not present in this state when the customer relationship was established, if:

22 (i) The broker-dealer is registered under the Securities Exchange Act of 1934 or not
23 required to be registered under the Securities Exchange Act of 1934 and is registered under the
24 securities laws of the state in which the customer relationship was established and where the
25 customer had maintained a principal place of residence; and

26 (ii) Within forty-five days after the customer's first transaction in this state, the person
27 files an application for registration as a broker- dealer in this state and a further transaction is not
28 effected more than seventy-five days after the date on which the application is filed, or, if earlier,
29 the date on which the commissioner notifies the person that the commissioner has denied the
30 application for registration or has stayed the pendency of the application for good cause;

31 (G) Not more than three customers in this state during the previous twelve months, in
32 addition to those customers specified in subparagraphs (A) to (F) and under subparagraph (H),
33 if the broker-dealer is registered under the Securities Exchange Act of 1934 or not required to
34 be registered under the Securities Exchange Act of 1934 and is registered under the securities
35 act of the state in which the broker-dealer has its principal place of business; and

36 (H) Any other person exempted by rule adopted or order issued under this act; and

37 (2) A person that deals solely in United States government securities and is supervised
38 as a dealer in government securities by the Board of Governors of the Federal Reserve System,
39 the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the Office of
40 Thrift Supervision.

41 (c) It is unlawful for a broker-dealer, or for an issuer engaged in offering, offering to
42 purchase, purchasing, or selling securities in this state, directly or indirectly, to employ or
43 associate with an individual to engage in an activity related to securities transactions in this state
44 if the registration of the individual is suspended or revoked or the individual is barred from
45 employment or association with a broker-dealer, an issuer, an investment adviser, or a federal
46 covered investment adviser by an order of the commissioner under this act, the Securities and
47 Exchange Commission, or a self-regulatory organization. A broker-dealer or issuer does not
48 violate this subsection if the broker-dealer or issuer did not know and in the exercise of
49 reasonable care could not have known, of the suspension, revocation, or bar. Upon request from
50 a broker-dealer or issuer and for good cause, an order under this act may modify or waive, in
51 whole or in part, the application of the prohibitions of this subsection to the broker-dealer.

52 (d) A rule adopted or order issued under this act may permit:

53 (1) A broker-dealer that is registered in Canada or other foreign jurisdiction and that does
54 not have a place of business in this state to effect transactions in securities with or for, or attempt
55 to effect the purchase or sale of any securities by:

56 (A) An individual from Canada or other foreign jurisdiction who is temporarily present
57 in this state and with whom the broker-dealer had a bona fide customer relationship before the
58 individual entered the United States;

59 (B) An individual from Canada or other foreign jurisdiction who is present in this state
60 and whose transactions are in a self-directed tax advantaged retirement plan of which the
61 individual is the holder or contributor in that foreign jurisdiction; or

62 (C) An individual who is present in this state, with whom the broker-dealer customer
63 relationship arose while the individual was temporarily or permanently resident in Canada or the
64 other foreign jurisdiction; and

65 (2) An agent who represents a broker-dealer that is exempt under this subsection to effect
66 transactions in securities or attempt to effect the purchase or sale of securities in this state as
67 permitted for a broker- dealer described in paragraph (1).

409.4-404. (a) It is unlawful for an individual to transact business in this state as an
2 investment adviser representative unless the individual is registered under this act as an
3 investment adviser representative or is exempt from registration as an investment adviser
4 **representative** under subsection (b).

5 (b) The following individuals are exempt from the registration requirement of subsection
6 (a):

7 (1) An individual who is employed by or associated with an investment adviser that is
8 exempt from registration under section 409.4-403(b) or a federal covered investment adviser that
9 is excluded from the notice filing requirements of section 409.4-405; and

10 (2) Any other individual exempted by rule adopted or order issued under this act.

11 (c) The registration of an investment adviser representative is not effective while the
12 investment adviser representative is not employed by or associated with an investment adviser
13 registered under this act or a federal covered investment adviser that has made or is required to
14 make a notice filing under section 409.4-405.

15 (d) An individual may transact business as an investment adviser representative for more
16 than one investment adviser or federal covered investment adviser unless a rule adopted or order
17 issued under this act prohibits or limits an individual from acting as an investment adviser
18 representative for more than one investment adviser or federal covered investment adviser.

19 (e) It is unlawful for an individual acting as an investment adviser representative, directly
20 or indirectly, to conduct business in this state on behalf of an investment adviser or a federal
21 covered investment adviser if the registration of the individual as an investment adviser
22 representative is suspended or revoked or the individual is barred from employment or
23 association with an investment adviser or a federal covered investment adviser by an order under
24 this act, the Securities and Exchange Commission, or a self-regulatory organization. Upon
25 request from a federal covered investment adviser and for good cause, the commissioner, by
26 order issued, may waive, in whole or in part, the application of the requirements of this
27 subsection to the federal covered investment adviser.

28 (f) An investment adviser registered under this act, a federal covered investment adviser
29 that has filed a notice under section 409.4-405, or a broker-dealer registered under this act is not
30 required to employ or associate with an individual as an investment adviser representative if the
31 only compensation paid to the individual for a referral of investment advisory clients is paid to
32 an investment adviser registered under this act, a federal covered investment adviser who has

33 filed a notice under section 409.4-405, or a broker-dealer registered under this act with which
34 the individual is employed or associated as an investment adviser representative.

2 409.4-408. (a) If an agent registered under this act terminates employment by or
3 association with a broker-dealer or issuer, or if an investment adviser representative registered
4 under this act terminates employment by or association with an investment adviser or federal
5 covered investment adviser, or if either registrant terminates activities that require registration
6 as an agent or investment adviser representative, the broker-dealer, issuer, investment adviser,
7 or federal covered investment adviser shall promptly file a notice of termination. If the registrant
8 learns that the broker-dealer, issuer, investment adviser, or federal covered investment adviser
has not filed the notice, the registrant may do so.

9 (b) If an agent registered under this act terminates employment by or association with
10 a broker-dealer registered under this act and begins employment by or association with another
11 broker-dealer registered under this act; or if an investment adviser representative registered under
12 this act terminates employment by or association with an investment adviser registered under this
13 act[;] or[, if] a federal covered investment adviser[, who] **that** has filed a notice under section
14 409.4-405 and begins employment by or association with another investment adviser registered
15 under this act[;] or [if] a federal covered investment adviser[, who] **that** has filed a notice under
16 section 409.4-405[,] ; **then** upon the filing by or on behalf of the registrant, within thirty days
17 after the termination, of an application for registration that complies with the requirement of
18 section 409.4-406(a) and payment of the filing fee required under section 409.4-410, the
19 registration of the agent or investment adviser representative[,] is:

20 (1) Immediately effective as of the date of the completed filing, if the agent's Central
21 Registration Depository record or successor record or the investment adviser representative's
22 Investment Adviser Registration Depository record or successor record does not contain a new
23 or amended disciplinary disclosure within the previous twelve months; or

24 (2) Temporarily effective as of the date of the completed filing, if the agent's Central
25 Registration Depository record or successor record or the investment adviser representative's
26 Investment Adviser Registration Depository record or successor record contains a new or
27 amended disciplinary disclosure within the preceding twelve months.

28 (c) The commissioner may by order withdraw a temporary registration if there are or
29 were grounds for discipline as specified in section 409.4- 412 and the commissioner does so
30 within thirty days after the filing of the application. If the commissioner does not withdraw the
31 temporary registration within the thirty-day period, registration becomes automatically effective
32 on the thirty-first day after filing.

33 (d) The commissioner may by order prevent the effectiveness of a transfer of an agent
34 or investment adviser representative under subsection (b)(1) or (2) based on the public interest
35 and the protection of investors.

36 (e) If the commissioner determines that a registrant or applicant for registration is no
37 longer in existence or has ceased to act as a broker-dealer, agent, investment adviser, or
38 investment adviser representative, or is the subject of an adjudication of incapacity or is subject
39 to the control of a committee, conservator, or guardian, or cannot reasonably be located, a rule
40 adopted or order issued under this act may require the registration be canceled or terminated or
41 the application denied. The commissioner may reinstate a canceled or terminated registration,
42 with or without hearing, and may make the registration retroactive.

2 409.4-412. (a) If the commissioner finds that the order is in the public interest and
3 subsection (d) authorizes the action, an order issued under this act may deny an application, or
4 may condition or limit registration[: (1)] of an applicant to be a broker-dealer, agent, investment
5 adviser, or investment adviser representative, and [(2)] , if the applicant is a broker-dealer or
6 investment adviser, of [any] a partner, officer, director, or person having a similar status or
7 performing similar functions, or a person directly or indirectly [controlling] **in control of** the
8 broker-dealer or investment adviser.

9 (b) If the commissioner finds that the order is in the public interest and subsection (d)
10 authorizes the action an order issued under this act may revoke, suspend, condition, or limit the
11 registration of a registrant and, if the registrant is a broker-dealer or investment adviser, [any] of
12 a partner, officer, [or] director, [any] or person having a similar status or performing similar
13 functions, or [any] a person directly or indirectly [controlling] **in control of** the broker-dealer
14 or investment adviser. However, the commissioner **shall not**:

15 (1) [May not] Institute a revocation or suspension proceeding under this subsection based
16 on an order issued [by] **under a law of** another state that is reported to the commissioner or a
17 designee [later] **of the commissioner more** than one year after the date of the order on which
18 it is based; [and] or

19 (2) Under subsection (d)(5)(A) [and] or (B), [may not] issue an order on the basis of an
20 order **issued** under the [state] securities act of another state unless the other order was based on
21 conduct for which subsection (d) would authorize the action had the conduct occurred in this
22 state.

23 (c) If the commissioner finds that the order is in the public interest and subsection (d)(1)
24 to (6), (8), (9), (10), [or] (12) [and] or (13) authorizes the action, an order under this act may
25 censure, impose a bar, or impose a civil penalty in an amount not to exceed a maximum of five
26 thousand dollars for a single violation or fifty thousand dollars for [several violations] **more than**
one violation on a registrant, and, if the registrant is a broker-dealer or investment adviser, [any]

27 a partner, officer, [or] director, [any] or person having a similar **status or performing similar**
28 functions, or [any] a person directly or indirectly [controlling] **in control of** the broker-dealer
29 or investment adviser.

30 (d) A person may be disciplined under subsections (a) to (c) if the person:

31 (1) Has filed an application for registration in this state under this act or the predecessor
32 act within the previous ten years, which, as of the effective date of registration or as of any date
33 after filing in the case of an order denying effectiveness, was incomplete in any material respect
34 or contained a statement that, in light of the circumstances under which it was made, was false
35 or misleading with respect to a material fact;

36 (2) Willfully violated or willfully failed to comply with this act or the predecessor act
37 or a rule adopted or order issued under this act or the predecessor act within the previous ten
38 years;

39 (3) Has been convicted of a felony or within the previous ten years has been convicted
40 of a misdemeanor involving a security, a commodity future or option contract, or an aspect of
41 a business involving securities, commodities, investments, franchises, insurance, banking, or
42 finance;

43 (4) Is enjoined or restrained by a court of competent jurisdiction in an action instituted
44 by the commissioner under this act or the predecessor act, a state, the Securities and Exchange
45 Commission, or the United States from engaging in or continuing an act, practice, or course of
46 business involving an aspect of a business involving securities, commodities, investments,
47 franchises, insurance, banking, or finance;

48 (5) Is the subject of an order, issued after notice and opportunity for hearing by:

49 (A) The securities, depository institution, insurance, or other financial services regulator
50 of a state or by the Securities and Exchange Commission or other federal agency denying,
51 revoking, barring, or suspending registration as a broker-dealer, agent, investment adviser,
52 federal covered investment adviser, or investment adviser representative;

53 (B) The securities regulator of a state or [by] the Securities and Exchange Commission
54 against a broker-dealer, agent, investment adviser, investment adviser representative, or federal
55 covered investment adviser;

56 (C) The Securities and Exchange Commission or [by] a self-regulatory organization
57 suspending or expelling the registrant from membership in the self-regulatory organization;

58 (D) A court adjudicating a United States Postal Service fraud order;

59 (E) The insurance regulator of a state denying, suspending, or revoking [the] registration
60 [of] as an insurance agent; or

61 (F) A depository institution regulator suspending or barring [a] the person from the
62 depository institution business;

63 (6) Is the subject of an adjudication or determination, after notice and opportunity for
64 hearing, by the Securities and Exchange Commission, the Commodity Futures Trading
65 Commission; the Federal Trade Commission; a federal depository institution regulator, or a
66 depository institution, insurance, or other financial services regulator of a state that the person
67 willfully violated the Securities Act of 1933, the Securities Exchange Act of 1934, the
68 Investment Advisers Act of 1940, the Investment Company Act of 1940, or the Commodity
69 Exchange Act, the securities or commodities law of a state, or a federal or state law under which
70 a business involving investments, franchises, insurance, banking, or finance is regulated;

71 (7) Is insolvent, either because the person's liabilities exceed the person's assets or
72 because the person cannot meet the person's obligations as they mature, but the commissioner
73 may not enter an order against an applicant or registrant under this paragraph without a finding
74 of insolvency as to the applicant or registrant;

75 (8) Refuses to allow or otherwise impedes the commissioner from conducting an audit
76 or inspection under section 409.4-411(d) or refuses access to a registrant's office to conduct an
77 audit or inspection under section 409.4-411(d);

78 (9) Has failed to reasonably supervise an agent, investment adviser representative, or
79 other individual, if the agent, investment adviser representative, or other individual was subject
80 to the person's supervision and committed a violation of this act or the predecessor act or a rule
81 adopted or order issued under this act or the predecessor act within the previous ten years;

82 (10) Has not paid the proper filing fee within thirty days after having been notified by
83 the commissioner of a deficiency, but the commissioner shall vacate an order under this
84 paragraph when the deficiency is corrected;

85 (11) After notice and opportunity for a hearing, has been found within the previous ten
86 years:

87 (A) By a court of competent jurisdiction to have willfully violated the laws of a foreign
88 jurisdiction under which the business of securities, commodities, investment, franchises,
89 insurance, banking, or finance is regulated;

90 (B) To have been the subject of an order of a securities regulator of a foreign jurisdiction
91 denying, revoking, or suspending the right to engage in the business of securities as a
92 broker-dealer, agent, investment adviser, investment adviser representative, or similar person;
93 or

94 (C) To have been suspended or expelled from membership by or participation in a
95 securities exchange or securities association operating under the securities laws of a foreign
96 jurisdiction;

97 (12) Is the subject of a cease and desist order issued by the Securities and Exchange
98 Commission or issued under the securities, commodities, investment, franchise, banking,
99 finance, or insurance laws of a state;

100 (13) Has engaged in dishonest or unethical practices in the securities, commodities,
101 investment, franchise, banking, finance, or insurance business within the previous ten years; or

102 (14) Is not qualified on the basis of factors such as training, experience, and knowledge
103 of the securities business. However, in the case of an application by an agent for a broker-dealer
104 that is a member of a self-regulatory organization or by an individual for registration as an
105 investment adviser representative, a denial order may not be based on this paragraph if the
106 individual has successfully completed all examinations required by subsection (e). The
107 commissioner may require an applicant for registration under section 409.4-402 or 409.4-404
108 who has not been registered in a state within the two years preceding the filing of an application
109 in this state to successfully complete an examination.

110 (e) A rule adopted or order issued under this act may require that an examination,
111 including an examination developed or approved by an organization of securities regulators, be
112 successfully completed by a class of individuals or all individuals. An order issued under this
113 act may waive, in whole or in part, an examination as to an individual and a rule adopted under
114 this act may waive, in whole or in part, an examination as to a class of individuals if the
115 commissioner determines that the examination is not necessary or appropriate in the public
116 interest and for the protection of investors.

117 (f) The commissioner may suspend or deny an application summarily; restrict, condition,
118 limit, or suspend a registration; or censure, bar, or impose a civil penalty on a registrant before
119 final determination of an administrative proceeding. Upon the issuance of an order, the
120 commissioner shall promptly notify each person subject to the order that the order has been
121 issued, the reasons for the action, and that within fifteen days after the receipt of a request in a
122 record from the person the matter will be scheduled for a hearing. If a hearing is not requested
123 and none is ordered by the commissioner within thirty days after the date of service of the order,
124 the order becomes final by operation of law. If a hearing is requested or ordered, the
125 commissioner, after notice of and opportunity for hearing to each person subject to the order,
126 may modify or vacate the order or extend the order until final determination.

127 (g) An order issued may not be issued under this section, except under subsection (f),
128 without:

- 129 (1) Appropriate notice to the applicant or registrant;
130 (2) Opportunity for hearing; and
131 (3) Findings of fact and conclusions of law in a record.

(h) A person that controls, directly or indirectly, a person not in compliance with this section may be disciplined by order of the commissioner under subsections (a) to (c) to the same extent as the noncomplying person, unless the controlling person did not know, and in the exercise of reasonable care could not have known, of the existence of conduct that is a ground for discipline under this section.

(i) The commissioner may not institute a proceeding under subsection (a), (b), or (c) based solely on material facts actually known by the commissioner unless an investigation or the proceeding is instituted within one year after the commissioner actually acquires knowledge of the material facts.

(j) Any applicant denied an agent, broker-dealer, investment adviser or investment adviser representative registration by order of the commissioner pursuant to subsection (a) may file a petition with the administrative hearing commission alleging that the commissioner has denied the registration. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law. The commissioner shall have the burden of proving a ground for denial pursuant to this act.

(k) If a proceeding is instituted to revoke or suspend a registration of any agent, broker-dealer, investment adviser, or investment adviser representative pursuant to subsection (b), the commissioner shall refer the matter to the administrative hearing commission. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law in such cases. The commissioner shall have the burden of proving a ground for suspension or revocation pursuant to this act. The administrative hearing commission shall submit its findings of fact and conclusions of law to the commissioner for final disposition.

(l) Hearing procedures before the commissioner or the administrative hearing commission and judicial review of the decisions and orders of the commissioner and of the administrative hearing commission, and all other procedural matters pursuant to this act shall be governed by the provisions of chapter 536, RSMo. Hearings before the administrative hearing commission shall also be governed by the provisions of chapter 621, RSMo.

409.5-501. It is unlawful for a person, in connection with the offer, sale, or purchase of a security, directly or indirectly:

(1) To employ a device, scheme, or artifice to defraud;

(2) To make an untrue statement of a material fact or to omit to state a material fact necessary in order to make the [statement] **statements** made, in the light of the circumstances under which [it is] **they were** made, not misleading; or

(3) To engage in an act, practice, or course of business that operates or would operate as a fraud or deceit upon another person.

409.5-508. (a) A person [that] **commits the crime of criminal securities fraud when**
2 **such person** willfully violates **section 409.5-501.**

3 **(b) A person commits a criminal securities violation when such person willfully**
4 **violates any other provision of** this act, or a rule adopted or order issued under this act, except
5 Section 409.5-504 or the notice filing requirements of section 409.3-302 or 409.4-405, or that
6 willfully violates section 409.5-505 knowing the statement made to be false or misleading in a
7 material respect[, upon conviction, shall be fined not more than one million dollars or imprisoned
8 not more than ten years, or both].

9 **(c) A person convicted of criminal securities fraud or any other criminal violation**
10 **shall be fined not more than one million dollars or imprisoned not more than ten years, or**
11 **both, unless the violation was committed against an elderly or disabled person, in which**
12 **case the person shall be fined not less than fifty thousand dollars and imprisoned not less**
13 **than five years. For purposes of this section, the following terms mean:**

14 **(1) "Disabled person", a person with a physical or mental impairment that**
15 **substantially limits one or more of the major life activities of such individual, a record of**
16 **such impairment, or being regarded as having such an impairment;**

17 **(2) "Elderly person", a person sixty years of age or older.**

18 **(d)** An individual convicted of violating a rule or order under this act may be fined, but
19 may not be imprisoned, if the individual did not have knowledge of the rule or order.

20 [(b)] **(e)** The attorney general or the proper prosecuting attorney with or without a
21 reference from the commissioner may institute criminal proceedings under this act.

22 [(c)] **(f)** This act does not limit the power of this state to punish a person for conduct that
23 constitutes a crime under other laws of this state.

409.6-604. (a) If the commissioner determines that a person has engaged, is engaging,
2 or is about to engage in an act, practice, or course of business constituting a violation of this act
3 or a rule adopted or order issued under this act or that a person has materially aided, is materially
4 aiding, or is about to materially aid an act, practice, or course of business constituting a violation
5 of this act or a rule adopted or order issued under this act, the commissioner may:

6 (1) Issue an order directing the person to cease and desist from engaging in the act,
7 practice, or course of business or to take other action necessary or appropriate to comply with
8 this act;

9 (2) Issue an order denying, suspending, revoking, or conditioning the exemptions for a
10 broker-dealer under section 409.4-401(b)(1)(D) or (F) or an investment adviser under section
11 409.4-403(b)(1)(C); or

12 (3) Issue an order under section 409.2-204.

13 (b) An order under subsection (a) is effective on the date of issuance. Upon issuance of
14 the order, the commissioner shall promptly serve each person subject to the order with a copy
15 of the order and a notice that the order has been entered. The order must include a statement
16 whether the commissioner will seek a civil penalty or costs of the investigation, a statement of
17 the reasons for the order, and notice that, within fifteen days after receipt of a request in a record
18 from the person, the matter will be scheduled for a hearing. If a person subject to the order does
19 not request a hearing and none is ordered by the commissioner within thirty days after the date
20 of service of the order, the order **which may include a civil penalty or costs of the**
21 **investigation if a civil penalty or costs were sought in the statement accompanying the**
22 **order**, becomes final as to that person by operation of law. If a hearing is requested or ordered,
23 the commissioner, after notice of and opportunity for hearing to each person subject to the order,
24 may modify or vacate the order or extend it until final determination.

25 (c) If a hearing is requested or ordered pursuant to subsection (b), a hearing before the
26 commissioner must be provided. A final order may not be issued unless the commissioner
27 makes findings of fact and conclusions of law in a record in accordance with the provisions of
28 chapter 536, RSMo, and procedural rules promulgated by the commissioner. The final order may
29 make final, vacate, or modify the order issued under subsection (a).

30 (d) In a final order under subsection (c), the commissioner may;

31 (1) Impose a civil penalty up to one thousand dollars for a single violation or up to ten
32 thousand dollars for more than one violation;

33 (2) **Order a person subject to the order to pay restitution for any loss, including the**
34 **amount of any actual damages that may have been caused by the conduct and interest at**
35 **the rate of eight percent per year from the date of the violation causing the loss or disgorge**
36 **any profits arising from the violation;**

37 (3) **In addition to any civil penalty otherwise provided by law, impose an additional**
38 **civil penalty not to exceed five thousand dollars for each such violation if the commissioner**
39 **finds that a person subject to the order has violated any provision of this act and that such**
40 **violation was committed against an elderly or disabled person. For purposes of this**
41 **section, the following terms mean:**

42 (A) **"Disabled person", a person with a physical or mental impairment that**
43 **substantially limits one or more of the major life activities of such individual, a record of**
44 **such impairment, or being regarded as having such an impairment;**

45 (B) **"Elderly person", a person sixty years of age or older.**

46 (e) In a final order, the commissioner may charge the actual cost of an investigation or
47 proceeding for a violation of this act or a rule adopted or order issued under this act. These funds
48 may be paid into the investor education and protection fund.

49 (f) If a petition for judicial review of a final order is not filed in accordance with section
50 409.6-609, the commissioner may file a certified copy of the final order with the clerk of a court
51 of competent jurisdiction. The order so filed has the same effect as a judgment of the court and
52 may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

53 (g) If a person does not comply with an order under this section, the commissioner may
54 petition a court of competent jurisdiction to enforce the order. The court may not require the
55 commissioner to post a bond in an action or proceeding under this section. If the court finds,
56 after service and opportunity for hearing, that the person was not in compliance with the order,
57 the court may adjudge the person in civil contempt of the order. The court may impose a further
58 civil penalty against the person for contempt in an amount not less than five thousand dollars but
59 not greater than one hundred thousand dollars for each violation and may grant any other relief
60 the court determines is just and proper in the circumstances.

61 (h) The commissioner is authorized to issue administrative consent orders in the
62 settlement of any proceeding in the public interest under this act.

409.6-607. (a) Except as otherwise provided in subsection (b), records obtained by the
2 commissioner or filed under this act, including a record contained in or filed with a registration
3 statement, application, notice filing, or report, are public records and are available for public
4 examination.

5 (b) The following records are not public records and are not available for public
6 examination under subsection (a):

7 (1) A record obtained by the commissioner in connection with an audit or inspection
8 under section 409.4-411(d) or an investigation under section 409.6-602;

9 (2) A part of a record filed in connection with a registration statement under sections
10 409.3-301 and 409.3-303 to 409.3-305 or a record under section 409.4-411(d) that contains trade
11 secrets or confidential information if the person filing the registration statement or report has
12 asserted a claim of confidentiality or privilege that is authorized by law;

13 (3) A record that is not required to be provided to the commissioner or filed under this
14 act and is provided to the commissioner only on the condition that the record will not be subject
15 to public examination or disclosure;

16 (4) A nonpublic record received from a person specified in section 409.6-608(a);

17 (5) Any Social Security number, residential address unless used as a business address,
18 and residential telephone number **unless used as a business telephone number**, contained in
19 a record that is filed; and

20 (6) A record obtained by the commissioner through a designee of the commissioner that
21 a rule or order under this act determines has been:

22 (A) Expunged from the commissioner's records by the designee; or

23 (B) Determined to be nonpublic or nondisclosable by that designee if the commissioner
24 finds the determination to be in the public interest and for the protection of investors.

25 (c) If disclosure is for the purpose of a civil, administrative, or criminal investigation,
26 action, or proceeding or to a person specified in section 409.6-608(a), the commissioner may
27 disclose a record obtained in connection with an audit or inspection under section 409.4-411(d)
28 or a record obtained in connection with an investigation under section 409.6- 602.

**476.185. 1. Missouri supreme court rules 32 and 51 notwithstanding, upon proper
2 motion, as set forth in this section, a judge shall be disqualified from an action only where
3 the judge's impartiality might reasonably be questioned in accordance with the principals
4 set forth in canon 3(E)(1) of the code of judicial conduct as set forth in Missouri supreme
5 court rule 2.03.**

**6 2. In an action, any party may file a written motion for disqualification of a judge
7 within ten days after discovering the ground for disqualification. The motion shall be
8 addressed to the judge whose disqualification is sought and shall:**

**9 (1) State the facts and reasons for disqualification, including the specific provision
10 of canon 3(E)(1) of the code of judicial conduct asserted to be applicable;**

**11 (2) Be accompanied by a verified affidavit of counsel of record or unrepresented
12 party that they have read the motion; that after reasonable inquiry, to the best of their
13 knowledge, information, and belief, it is well grounded in fact and is warranted by either
14 existing law or a good faith argument for the extension, modification, or reversal of existing
15 law; that there is evidence sufficient to support disqualification; and that it is not
16 interposed for any improper purpose, such as to harass or to cause unnecessary delay or
17 needless increase in the cost of litigation; and**

**18 (3) Be submitted by copy directly to the judge who is sought to be disqualified, and
19 served upon counsel of record or unrepresented party.**

**20 3. The judge sought to be disqualified shall expeditiously determine whether the
21 motion is substantively sufficient. If the motion is determined to be substantively
22 insufficient, the judge shall deny the motion. If the motion is determined to be
23 substantively sufficient, the judge may sustain the motion or immediately forward the
24 motion to the presiding judge or designant who shall expeditiously set the motion for a
25 hearing and decide the matter. The judge sought to be disqualified shall proceed no
26 further in the action pending the outcome of the hearing.**

**27 4. A judge is presumptively qualified and the moving party shall have the burden
28 of proving by a preponderance of the evidence that the judge is not qualified. Previous
29 rulings in the case or related cases by the judge on legal issues or concerning the legal
30 sufficiency of any prior affidavits filed under this section, or on a demonstrated tendency**

31 to rule in any particular manner or on a particular judicial leaning or attitude derived
32 from experience on the bench shall not be deemed to be legally sufficient for
33 disqualification.

34 **5. If the motion for disqualification is sustained, another judge shall be assigned to**
35 **the action, as otherwise provided by law. If the motion is denied, the judge sought to be**
36 **disqualified shall proceed with the action.**

479.260. 1. Municipalities by ordinance may provide for fees in an amount per case to
2 be set pursuant to sections 488.010 to 488.020, RSMo, for each municipal ordinance violation
3 case filed before a municipal judge, and in the event a defendant pleads guilty or is found guilty,
4 the judge may assess costs against the defendant except in those cases where the defendant is
5 found by the judge to be indigent and unable to pay the costs. **In the event the case is dismissed**
6 **before the defendant pleads guilty or is found guilty, the municipal judge may assess**
7 **municipal court costs as determined by section 488.012, RSMo, against the defendant if the**
8 **defendant consents to paying the costs except in those cases where the defendant is found**
9 **by the judge to be indigent and unable to pay the costs.** The fees authorized in this
10 subsection are in addition to service charges, witness fees and jail costs that may otherwise be
11 authorized to be assessed, but are in lieu of other court costs. The fees provided by this
12 subsection shall be collected by the municipal division clerk in municipalities electing or
13 required to have violations of municipal ordinances tried before a municipal judge pursuant to
14 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as
15 provided in subsection 1 of section 479.080. Any other court costs required in connection with
16 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo;
17 provided that, each municipal court may establish a judicial education fund in an account under
18 the control of the municipal court to retain one dollar of the fees collected on each case and to
19 use the fund only to pay for:

20 (1) The continuing education and certification required of the municipal judges by law
21 or supreme court rule; and

22 (2) Judicial education and training for the court administrator and clerks of the municipal
23 court.

24

25 Provided further, that no municipal court shall retain more than one thousand five hundred
26 dollars in the fund for each judge, administrator or clerk of the municipal court. Any excess
27 funds shall be transmitted quarterly to the general revenue fund of the county or municipal
28 treasury.

29 2. In municipal ordinance violation cases which are filed in the associate circuit division
30 of the circuit court, fees shall be assessed in each case in an amount to be set pursuant to sections

31 488.010 to 488.020, RSMo. In the event a defendant pleads guilty or is found guilty, the judge
32 shall assess costs against the defendant except in those cases where the defendant is found by the
33 judge to be indigent and unable to pay the costs. In the event a defendant is acquitted or the case
34 is dismissed, the judge shall not assess costs against the municipality. The costs authorized in
35 this subsection are in addition to service charges, witness fees and jail costs that may otherwise
36 be authorized to be assessed, but are in lieu of other court costs. The costs provided by this
37 subsection shall be collected by the municipal division clerk in municipalities electing or
38 required to have violations of municipal ordinances tried before a municipal judge pursuant to
39 section 479.020, or to employ judicial personnel pursuant to section 479.060, and disbursed as
40 provided in subsection 2 of section 479.080. Any other court costs required in connection with
41 such cases shall be collected and disbursed as provided in sections 488.010 to 488.020, RSMo.

42 3. A municipality, when filing cases before an associate circuit judge, shall not be
43 required to pay fees.

44 4. No fees for a judge, city attorney or prosecutor shall be assessed as costs in a
45 municipal ordinance violation case.

46 5. In municipal ordinance violation cases, when there is an application for a trial de
47 novo, there shall be an additional fee in an amount to be set pursuant to sections 488.010 to
48 488.020, RSMo, which shall be assessed in the same manner as provided in subsection 2 of this
49 section.

50 6. Municipalities by ordinance may provide for a schedule of costs to be paid in
51 connection with pleas of guilty which are processed in a traffic violations bureau. If a
52 municipality files its municipal ordinance violation cases before a municipal judge, such costs
53 shall not exceed the court costs authorized by subsection 1 of this section. If a municipality files
54 its municipal ordinance violations cases in the associate circuit division of the circuit court, such
55 costs shall not exceed the court costs authorized by subsection 2 of this section.

488.5050. 1. In addition to any other surcharges authorized by statute, the clerk of each
2 court of this state shall collect the surcharges provided for in subsection 2 of this section.

3 2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding
4 filed within this state in all criminal cases in which the defendant pleads guilty or nolo
5 contendere to or is convicted of a felony. A surcharge of fifteen dollars shall be assessed as costs
6 in each court proceeding filed within this state in all criminal cases, except for traffic violations
7 cases in which the defendant pleads guilty or nolo contendere to or is convicted of a
8 misdemeanor.

9 3. Notwithstanding any other provisions of law, the moneys collected by clerks of the
10 courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed
11 in accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

12 4. The state treasurer shall deposit such moneys or other gifts, grants, or moneys received
13 on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created in the state
14 treasury. The fund shall be administered by the department of public safety. The moneys
15 deposited into the DNA profiling analysis fund shall be used only for DNA profiling analysis of
16 convicted offender samples performed to fulfill the purposes of the DNA profiling system
17 pursuant to section 650.052, RSMo.

18 5. The provisions of subsections 1 and 2 of this section shall expire on August 28, [2006]
19 **2013.**

 488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for
2 their services rendered in criminal cases and in all proceedings for contempt or attachment, as
3 required by law, the sum of seventy-five dollars for each felony case or contempt or attachment
4 proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction[, excluding
5 cases disposed of by a traffic violations bureau established pursuant to law or supreme court
6 rule]. Such charges shall be charged and collected in the manner provided by sections 488.010
7 to 488.020 and shall be payable to the county treasury.

8 2. The sheriff receiving any charge pursuant to subsection 1 of this section shall
9 reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each
10 pleading, writ, summons, order of court or other document served in connection with the case
11 or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum
12 amount of the total charge received pursuant to subsection 1 of this section.

13 3. The charges provided in subsection 1 of this section shall be taxed as other costs in
14 criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in
15 any criminal procedure. The clerk shall tax all the costs in the case against such defendant,
16 which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided,
17 that no such charge shall be collected in any proceeding in any court when the proceeding or the
18 defendant has been dismissed by the court; provided further, that all costs, incident to the issuing
19 and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses
20 of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri
21 facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for
22 attachments for witnesses shall be paid by such witnesses.

23 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services
24 rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for
25 allowable expenses for motor vehicle use expressed as an amount per mile.

 491.170. When a writ of attachment, authorized by section 491.160, shall be executed
2 **in a civil case**, the sheriff or other officer shall discharge such witness, on his **or her** entering
3 into a recognizance to the state of Missouri, with sufficient security, in the sum of one hundred

4 dollars, which the officer executing the writ is authorized to take, conditioned for the appearance
5 and due attendance of such witness according to the exigency of such writ.

6 **2. When a writ of attachment, authorized by section 491.160, shall be executed in**
7 **a criminal case, the court shall discharge such witness, on his or her entering into a**
8 **recognizance to the state of Missouri, with sufficient security, in the sum of an amount to**
9 **be set by the court and deemed appropriate and necessary by the court to secure the**
10 **witness's attendance, which the officer executing the writ is authorized to take, conditioned**
11 **for the appearance and due attendance of such witness according to the exigency of such**
12 **writ. The sheriff or other officer shall bring the witness who was attached before the court**
13 **within twenty-four hours of the attachment in order that the court may set the amount of**
14 **the recognizance. If a witness is unable to post the recognizance or believes the amount of**
15 **the recognizance as set by the court is too high, the witness may request that the court hold**
16 **a hearing on the appropriateness of the amount of the recognizance and the court shall**
17 **hold such hearing within three days of the date of such request, excluding holidays and**
18 **weekends.**

545.050. [1.] No indictment for any trespass against the person or property of another,
2 not amounting to a felony, except for petit larceny, and no indictment for the disturbance of the
3 peace of a person, or for libel or slander, shall be preferred unless the name of a prosecutor is
4 affixed thereto, thus: "A B, prosecutor", except where the same is preferred upon the
5 information and testimony of one or more grand jurors, or of some public officer in the necessary
6 discharge of his **or her** duty.

7 [2. If the defendant be acquitted or the prosecution fails, judgment shall be entered
8 against such prosecutor for the costs.]

550.040. In all capital cases, and those in which imprisonment in the penitentiary is the
2 sole punishment for the offense, if the defendant is acquitted, the costs shall be paid by the state;
3 and in all other trials on indictments or information, if the defendant is acquitted, the costs shall
4 be paid by the county in which the indictment was found or information filed[, except when the
5 prosecutor shall be adjudged to pay them or it shall be otherwise provided by law].

556.036. 1. A prosecution for murder, forcible rape, attempted forcible rape, forcible
2 sodomy, attempted forcible sodomy, or any class A felony may be commenced at any time.

3 2. Except as otherwise provided in this section, prosecutions for other offenses must be
4 commenced within the following periods of limitation:

- 5 (1) For any felony, three years;
6 (2) For any misdemeanor, one year;
7 (3) For any infraction, six months.

8 3. If the period prescribed in subsection 2 of this section has expired, a prosecution may
9 nevertheless be commenced for:

10 (1) Any offense a material element of which is either fraud or a breach of fiduciary
11 obligation within one year after discovery of the offense by an aggrieved party or by a person
12 who has a legal duty to represent an aggrieved party and who is himself or herself not a party to
13 the offense, but in no case shall this provision extend the period of limitation by more than three
14 years. As used in this subdivision, the term "person who has a legal duty to represent an
15 aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having
16 jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses committed pursuant
17 to sections 407.511 to 407.556, RSMo; and

18 (2) Any offense based upon misconduct in office by a public officer or employee at any
19 time when the defendant is in public office or employment or within two years thereafter, but in
20 no case shall this provision extend the period of limitation by more than three years; and

21 (3) Any offense based upon an intentional and willful fraudulent claim of child support
22 arrearage to a public servant in the performance of his or her duties within one year after
23 discovery of the offense, but in no case shall this provision extend the period of limitation by
24 more than three years.

25 4. An offense is committed either when every element occurs, or, if a legislative purpose
26 to prohibit a continuing course of conduct plainly appears, at the time when the course of
27 conduct or the defendant's complicity therein is terminated. Time starts to run on the day after
28 the offense is committed.

29 5. A prosecution is commenced [either when an indictment is found or an information
30 filed] **for a misdemeanor or infraction when the information is filed and for a felony when**
31 **the complaint or indictment is filed.**

32 6. The period of limitation does not run:

33 (1) During any time when the accused is absent from the state, but in no case shall this
34 provision extend the period of limitation otherwise applicable by more than three years; or

35 (2) During any time when the accused is concealing himself from justice either within
36 or without this state; or

37 (3) During any time when a prosecution against the accused for the offense is pending
38 in this state; or

39 (4) During any time when the accused is found to lack mental fitness to proceed pursuant
40 to section 552.020, RSMo.

561.031. 1. In the following proceedings, the provisions of section 544.250, 544.270,
2 544.275, RSMo, 546.030, RSMo, or of any other statute, or the provisions of supreme court rules
3 21.10, 22.07, 24.01, 24.02, 27.01, 29.07, 31.02, 31.03, 36.01, 37.16, 37.47, 37.48, 37.50, 37.57,

4 37.58, 37.59, and 37.64 to the contrary notwithstanding, when the physical appearance in person
5 in court is required of any person held in a place of custody or confinement, such personal
6 appearance may be made by means of two-way audio-visual communication, including but not
7 limited to, closed circuit television or computerized video conferencing; provided that such
8 audio-visual communication facilities provide two-way audio-visual communication between
9 the court and the place of custody or confinement [and that a full record of such proceedings be
10 made by split-screen imaging and recording of the proceedings in the courtroom and the place
11 of confinement or custody in addition to such other record as may be required]:

12 (1) First appearance before an associate circuit judge on a criminal complaint;

13 (2) Waiver of preliminary hearing;

14 (3) Arraignment on an information or indictment where a plea of not guilty is entered;

15 (4) Arraignment on an information or indictment where a plea of guilty is entered upon
16 waiver of any right such person might have to be physically present;

17 (5) Any pretrial or posttrial criminal proceeding not allowing the cross-examination of
18 witnesses;

19 (6) Sentencing after conviction at trial upon waiver of any right such person might have
20 to be physically present;

21 (7) Sentencing after entry of a plea of guilty; and

22 (8) Any civil proceeding other than trial by jury.

23 2. This section shall not prohibit other appearances via closed circuit television upon
24 waiver of any right such person held in custody or confinement might have to be physically
25 present.

26 3. Nothing contained in this section shall be construed as establishing a right for any
27 person held in custody to appear on television or as requiring that any governmental entity or
28 place of custody or confinement provide a two-way audio-visual communication system.

565.182. 1. A person commits the crime of elder abuse in the second degree if he:

2 (1) Knowingly causes, attempts to cause physical injury to any person sixty years of age
3 or older or an eligible adult, as defined in section 660.250, RSMo, by means of a deadly weapon
4 or dangerous instrument; or

5 (2) Recklessly [and] **or** purposely causes serious physical injury, as defined in section
6 565.002, to a person sixty years of age or older or an eligible adult as defined in section 660.250,
7 RSMo.

8 2. Elder abuse in the second degree is a class B felony.

568.070. 1. A person commits the crime of unlawful transactions with a child if:

2 (1) Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of
3 such person, he **or she** with criminal negligence buys or receives any personal property other

4 than agricultural products from an unemancipated minor, unless the child's custodial parent or
5 guardian has consented in writing to the transaction; or

6 (2) [He] **Such person** knowingly permits a minor child to enter or remain in a place
7 where illegal activity in controlled substances, as defined in chapter 195, RSMo, is maintained
8 or conducted; or

9 (3) [He] **Such person** with criminal negligence sells blasting caps, bulk gunpowder, or
10 explosives to a child under the age of seventeen, or fireworks as defined in section 320.110,
11 RSMo, to a child under the age of fourteen, unless the child's custodial parent or guardian has
12 consented in writing to the transaction. Criminal negligence as to the age of the child is not an
13 element of this crime[.] ; or

14 (4) **Being a wholesaler or retailer or any employee of a wholesaler or retailer, such**
15 **person knowingly sells, rents, or otherwise makes available a video game which is rated M**
16 **(mature) or AO (adults only) by the entertainment software rating board, (ESRB) or a**
17 **video game which contains intense or graphic violence, meaning graphic and realistic-**
18 **looking depictions of blood, the mutilation of body parts, gore, depictions of human injury**
19 **or death, or an unrated game which contains the content mentioned in this subsection, to**
20 **any person under the age of seventeen. It is no defense to a violation under this subsection**
21 **that the defendant believed the person to be seventeen years of age or older unless the**
22 **defendant requested identification from the person which contained both a photograph**
23 **and date of birth purporting to show that the individual was seventeen years of age or**
24 **older, and examined such identification before selling, renting, or otherwise making a video**
25 **game rated M or AO available to the person;**

26 (5) **Being a wholesaler or retailer or any employee of a wholesaler or retailer, such**
27 **person knowingly sells, rents, or otherwise makes available a video game which is rated M**
28 **(mature) or AO (adults only) by the entertainment software rating board (ESRB) or a**
29 **video game which contains graphic depictions of sexual behavior, including depictions of**
30 **rape or other violent sexual acts, or obscenity, defined as patently offensive depictions or**
31 **descriptions of sexual conduct, as defined in section 566.010, RSMo, including actual or**
32 **simulated, normal or perverted acts of human masturbation; deviate sexual intercourse;**
33 **sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic**
34 **area, buttocks, or the breast of a female in an act of apparent sexual stimulation or**
35 **gratification or any sadomasochistic abuse or acts including animals or any latent objects**
36 **in an act of apparent sexual stimulation or gratification, which appeal to the prurient**
37 **interest, and lack serious literary, artistic, political, or scientific value, or an unrated game**
38 **which contains the content mentioned in this subsection, to any person under the age of**
39 **seventeen. It is no defense to a violation under this subsection that the defendant believed**

40 the person to be seventeen years of age or older unless the defendant requested
41 identification from the person which contained both a photograph and date of birth
42 purporting to show that the individual was seventeen years of age or older, and examined
43 such identification before selling, renting, or otherwise making a video game rated M or
44 AO available to the person.

45 2. Unlawful transactions with a child is a class B misdemeanor **unless committed under**
46 **subdivision (4) of subsection 1 of this section in which case it is a class A misdemeanor.**

569.145. 1. In addition to the posting of real property as set forth in section 569.140, the
2 owner or lessee of any real property may post the property by placing identifying purple paint
3 marks on trees or posts around the area to be posted. Each paint mark shall be a vertical line of
4 at least eight inches in length and the bottom of the mark shall be no less than three feet nor more
5 than five feet high. Such paint marks shall be placed no more than one hundred feet apart and
6 shall be readily visible to any person approaching the property. Property so posted is to be
7 considered posted for all purposes, and any unauthorized entry upon the property is trespass in
8 the first degree, and a class B misdemeanor, **except as provided in subsection 2 of this section.**

9 2. **Any unauthorized entry onto agricultural property, as defined by section**
10 **348.015, RSMo, that is posted pursuant to subsection 1 of this section shall be a class A**
11 **misdemeanor.**

570.040. 1. Every person who has previously pled guilty **to** or been found guilty [on two
2 separate occasions] of [a] **two** stealing-related [offense] **offenses committed on two separate**
3 **occasions** where such offenses occurred within ten years of the date of occurrence of the present
4 offense [and where the person received a sentence of ten days or more on such previous offense]
5 and who subsequently pleads guilty or is found guilty of a stealing-related offense is guilty of a
6 class D felony, unless the subsequent plea or guilty verdict is pursuant to paragraph (a) of
7 subdivision (3) of subsection 3 of section 570.030, in which case the person shall be guilty of
8 a class B felony, and shall be punished accordingly.

9 2. As used in this section, the term "stealing-related offense" shall include federal and
10 state violations of criminal statutes against stealing, **robbery** or buying or receiving stolen
11 property and shall also include municipal ordinances against same if the defendant was either
12 represented by counsel or knowingly waived counsel in writing and the judge accepting the plea
13 or making the findings was a licensed attorney at the time of the court proceedings.

14 3. Evidence of prior guilty pleas or findings of guilt shall be heard by the court, out of
15 the hearing of the jury, prior to the submission of the case to the jury, and the court shall
16 determine the existence of the prior guilty pleas or findings of guilt.

573.037. 1. A person commits the crime of possession of child pornography if, knowing
2 of its content and character, such person possesses any obscene material that has a child as one

3 of its participants or portrays what appears to be a child as an observer or participant of sexual
4 conduct.

5 2. Possession of child pornography is a class [D] C felony unless the person has pleaded
6 guilty to or has been found guilty of an offense under this section, in which case it is a class [C]
7 B felony.

8 **575.153. 1. A person commits the crime of disarming a peace officer, as defined in**
9 **section 590.100, RSMo, or a correctional officer if such person intentionally:**

10 (1) Removes a firearm or other deadly weapon from the person of a peace officer
11 or correctional officer while such officer is acting within the scope of his or her official
12 duties; or

13 (2) Deprives a peace officer or correctional officer of such officer's use of a firearm
14 or deadly weapon while the officer is acting within the scope of his or her official duties.

15 2. The provisions of this section shall not apply when:

16 (1) The defendant does not know or could not reasonably have known that the
person he or she disarmed was a peace officer or correctional officer; or

(2) The peace officer or correctional officer was engaged in an incident involving
felonious conduct by the peace officer or correctional officer at the time the defendant
disarmed such officer.

3. Disarming a peace officer or correctional officer is a class C felony.

577.020. 1. Sections 577.020 and 577.021 shall be known as the Alan Woods Law.

2 2. Any person who operates a motor vehicle upon the public highways of this state shall
3 be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041,
4 a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of
5 determining the alcohol or drug content of the person's blood pursuant to the following
6 circumstances:

7 (1) If the person is arrested for any offense arising out of acts which the arresting officer
8 had reasonable grounds to believe were committed while the person was driving a motor vehicle
9 while in an intoxicated or drugged condition; or

10 (2) If the person is under the age of twenty-one, has been stopped by a law enforcement
11 officer, and the law enforcement officer has reasonable grounds to believe that such person was
12 driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more
13 by weight; or

14 (3) If the person is under the age of twenty-one, has been stopped by a law enforcement
15 officer, and the law enforcement officer has reasonable grounds to believe that such person has
16 committed a violation of the traffic laws of the state, or any political subdivision of the state, and

17 such officer has reasonable grounds to believe, after making such stop, that such person has a
18 blood alcohol content of two-hundredths of one percent or greater;

19 (4) If the person is under the age of twenty-one, has been stopped at a sobriety
20 checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that
21 such person has a blood alcohol content of two-hundredths of one percent or greater;

22 (5) If the person, while operating a motor vehicle, has been involved in a motor vehicle
23 collision which resulted in a fatality or a readily apparent serious physical injury as defined in
24 section 565.002, RSMo, [and] or has been arrested as evidenced by the issuance of a uniform
25 traffic ticket for the violation of any state law or county or municipal ordinance with the
26 exception of equipment violations contained in chapter 306, RSMo, or similar provisions
27 contained in county or municipal ordinances; or

28 (6) If the person, while operating a motor vehicle, has been involved in a motor vehicle
29 collision which resulted in a fatality **or serious physical injury as defined in section 565.002,**
30 **RSMo.**

31

32 The test shall be administered at the direction of the law enforcement officer whenever the
33 person has been arrested or stopped for any reason.

34 [2.] 3. The implied consent to submit to the chemical tests listed in subsection [1] 2 of
35 this section shall be limited to not more than two such tests arising from the same arrest, incident
36 or charge.

37 [3.] 4. Chemical analysis of the person's breath, blood, saliva, or urine to be considered
38 valid pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to
39 methods approved by the state department of health and senior services by licensed medical
40 personnel or by a person possessing a valid permit issued by the state department of health and
41 senior services for this purpose.

42 [4.] 5. The state department of health and senior services shall approve satisfactory
43 techniques, devices, equipment, or methods to be considered valid pursuant to the provisions of
44 sections 577.020 to 577.041 and shall establish standards to ascertain the qualifications and
45 competence of individuals to conduct analyses and to issue permits which shall be subject to
46 termination or revocation by the state department of health and senior services.

47 [5.] 6. The person tested may have a physician, or a qualified technician, chemist,
48 registered nurse, or other qualified person at the choosing and expense of the person to be tested,
49 administer a test in addition to any administered at the direction of a law enforcement officer.
50 The failure or inability to obtain an additional test by a person shall not preclude the admission
51 of evidence relating to the test taken at the direction of a law enforcement officer.

52 [6.] 7. Upon the request of the person who is tested, full information concerning the test
53 shall be made available to such person.

54 [7.] 8. Any person given a chemical test of the person's breath pursuant to subsection [1]
55 2 of this section or a field sobriety test may be videotaped during any such test at the direction
56 of the law enforcement officer. Any such video recording made during the chemical test
57 pursuant to this subsection or a field sobriety test shall be admissible as evidence at either any
58 trial of such person for either a violation of any state law or county or municipal ordinance, or
59 any license revocation or suspension proceeding pursuant to the provisions of chapter 302,
60 RSMo.

577.021. 1. Any state, county or municipal law enforcement officer who has the power
2 of arrest for violations of section 577.010 or 577.012 and who is certified pursuant to chapter
3 590, RSMo, may, prior to arrest, administer a chemical test to any person suspected of operating
4 a motor vehicle in violation of section 577.010 or 577.012.

5 **2. Any state, county, or municipal law enforcement officer who has the power of**
6 **arrest for violations of section 577.010 or 577.012 and who is certified under chapter 590,**
7 **RSMo, shall make all reasonable efforts to administer a chemical test to any person**
8 **suspected of driving a motor vehicle involved in a collision which resulted in a fatality or**
9 **serious physical injury as defined in section 565.002, RSMo.**

10 3. A test administered pursuant to this section shall be admissible as evidence of
11 probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of
12 blood alcohol content. The provisions of section 577.020 shall not apply to a test administered
13 prior to arrest pursuant to this section.

577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

2 (1) An "aggravated offender" is a person who:

3 (a) Has pleaded guilty to or has been found guilty of three or more intoxication-related
4 traffic offenses; or

5 (b) Has pleaded guilty to or has been found guilty of one or more intoxication-related
6 traffic offense and, in addition, any of the following:

7 **a. Involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section**
8 **565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the**
9 **underlying felony is an intoxication-related traffic offense; or assault in the second degree under**
10 **subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement**
11 **officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or**

12 **b. Any offense committed in another state, or any federal offense, or any military**
13 **offense which, if committed in this state, would be a violation of any offense listed in**
14 **subparagraph a. of paragraph (b) of this subdivision;**

15 (2) A "chronic offender" is:

16 (a) A person who has pleaded guilty to or has been found guilty of four or more
17 intoxication-related traffic offenses; or

18 (b) A person who has pleaded guilty to or has been found guilty of, on two or more
19 separate occasions, any combination of the following:

20 **a.** Involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section
21 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the
22 underlying felony is an intoxication-related traffic offense; assault in the second degree under
23 subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement
24 officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; [or]

25 **b. Any offense committed in another state, or any federal offense, or any military**
26 **offense which, if committed in this state, would be a violation of any offense listed in**
27 **subparagraph a. of paragraph (b) of this subdivision; or**

28 (c) A person who has pleaded guilty to or has been found guilty of two or more
29 intoxication-related traffic offenses and, in addition, any of the following:

30 **a.** Involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section
31 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the
32 underlying felony is an intoxication-related traffic offense; assault in the second degree under
33 subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement
34 officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; **or**

35 **b. Any offense committed in another state, or any federal offense, or any military**
36 **offense which, if committed in this state, would be a violation of any offense listed in**
37 **subparagraph a. of paragraph (c) of this subdivision;**

38 (3) An "intoxication-related traffic offense" is:

39 **(a)** Driving while intoxicated, driving with excessive blood alcohol content, involuntary
40 manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo,
41 murder in the second degree under section 565.021, RSMo, where the underlying felony is an
42 intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of
43 subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second
44 degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo, or driving under
45 the influence of alcohol or drugs in violation of state law or a county or municipal ordinance,
46 where the defendant was represented by or waived the right to an attorney in writing; **or**

47 **(b) Any offense committed in another state, or any federal offense, or any military**
48 **offense which, if committed in this state, would be a violation of any offense listed in**
49 **paragraph (a) of this subdivision;**

50 (4) A "persistent offender" is one of the following:

51 (a) A person who has pleaded guilty to or has been found guilty of two or more
52 intoxication-related traffic offenses;

53 (b) A person who has pleaded guilty to or has been found guilty of:

54 a. Involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section
55 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of
56 section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to
57 subdivision (4) of subsection 1 of section 565.082, RSMo; [and] or

58 b. **Any offense committed in another state, or any federal offense, or any military**
59 **offense which, if committed in this state, would be a violation of any offense listed in**
60 **subparagraph a. of paragraph (b) of this subdivision; and**

61 (5) A "prior offender" is a person who has pleaded guilty to or has been found guilty of
62 one intoxication-related traffic offense, where such prior offense occurred within five years of
63 the occurrence of the intoxication-related traffic offense for which the person is charged.

64 2. Any person who pleads guilty to or is found guilty of a violation of section 577.010
65 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A
66 misdemeanor.

67 3. Any person who pleads guilty to or is found guilty of a violation of section 577.010
68 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D
69 felony.

70 4. Any person who pleads guilty to or is found guilty of a violation of section 577.010
71 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a
72 class C felony.

73 5. Any person who pleads guilty to or is found guilty of a violation of section 577.010
74 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class
75 B felony.

76 6. No state, county, or municipal court shall suspend the imposition of sentence as to a
77 prior offender, persistent offender, aggravated offender, or chronic offender under this section
78 nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo,
79 to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until
80 he or she has served a minimum of five days imprisonment, unless as a condition of such parole
81 or probation such person performs at least thirty days of community service under the
82 supervision of the court in those jurisdictions which have a recognized program for community
83 service. No persistent offender shall be eligible for parole or probation until he or she has served
84 a minimum of ten days imprisonment, unless as a condition of such parole or probation such
85 person performs at least sixty days of community service under the supervision of the court. No
86 aggravated offender shall be eligible for parole or probation until he or she has served a

87 minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or
88 probation until he or she has served a minimum of two years imprisonment.

89 7. The state, county, or municipal court shall find the defendant to be a prior offender,
90 persistent offender, aggravated offender, or chronic offender if:

91 (1) The indictment or information, original or amended, or the information in lieu of an
92 indictment pleads all essential facts warranting a finding that the defendant is a prior offender
93 or persistent offender; and

94 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
95 beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated
96 offender, or chronic offender; and

97 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
98 by the court that the defendant is a prior offender, persistent offender, aggravated offender, or
99 chronic offender.

100 8. In a jury trial, the facts shall be pleaded, established and found prior to submission to
101 the jury outside of its hearing.

102 9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in
103 findings of such facts to a later time, but prior to sentencing.

104 10. The defendant shall be accorded full rights of confrontation and cross-examination,
105 with the opportunity to present evidence, at such hearings.

106 11. The defendant may waive proof of the facts alleged.

107 12. Nothing in this section shall prevent the use of presentence investigations or
108 commitments.

109 13. At the sentencing hearing both the state, county, or municipality and the defendant
110 shall be permitted to present additional information bearing on the issue of sentence.

111 14. The pleas or findings of guilty shall be prior to the date of commission of the present
112 offense.

113 15. The court shall not instruct the jury as to the range of punishment or allow the jury,
114 upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of
115 prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

116 16. Evidence of prior convictions shall be heard and determined by the trial court out of
117 the hearing of the jury prior to the submission of the case to the jury, and shall include but not
118 be limited to evidence of convictions received by a search of the records of the Missouri uniform
119 law enforcement system maintained by the Missouri state highway patrol. After hearing the
120 evidence, the court shall enter its findings thereon. A conviction of a violation of a municipal
121 or county ordinance in a county or municipal court for [driving while intoxicated] **any**
122 **intoxication-related traffic offense** or a conviction or a plea of guilty or a finding of guilty

123 followed by a suspended imposition of sentence, suspended execution of sentence, probation or
124 parole or any combination thereof in a state court shall be treated as a prior conviction.

577.070. 1. A person commits the crime of littering if [he] **such person** throws or
2 places, or causes to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans,
3 garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any
4 public road or state highway or on or in any of the waters in this state or on the banks of any
5 stream, or on any land or water owned, operated or leased by the state, any board, department,
6 agency or commission thereof or on any land or water owned, operated or leased by the federal
7 government or on any private real property owned by another without his **or her** consent.

8 2. Littering is a class A misdemeanor.

9 **3. In addition to any fine or sentence of imprisonment imposed under this section**
10 **any person who has pled guilty to or been found guilty of littering shall be required to:**

11 **(1) Perform at least ten days involving at least forty hours of community service**
12 **under the supervision of the court in those jurisdictions which have a recognized program**
13 **for community service; and**

14 **(2) Pay restitution in the amount of six hundred dollars one-half of which shall be**
15 **deposited into the county law enforcement restitution fund under section 50.565, RSMo,**
16 **in the county in which the crime occurred and one half of which shall be deposited into the**
17 **county school fund under section 166.131, RSMo. If the county in which the crime**
18 **occurred does not have a county law enforcement restitution fund, the entire restitution**
19 **amount shall be deposited into the county school fund.**

577.500. 1. A court of competent jurisdiction shall, upon a plea of guilty, conviction or
2 finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the offense was
3 committed by a juvenile, enter an order suspending or revoking the driving privileges of any
4 person determined to have committed one of the following offenses and who, at the time said
5 offense was committed, was under twenty-one years of age:

6 **(1) Any alcohol-related traffic offense in violation of state law or a county or, beginning**
7 **July 1, 1992, municipal ordinance, where the defendant was represented by or waived the right**
8 **to an attorney in writing;**

9 **(2) Any offense in violation of state law or, beginning July 1, 1992, a county or**
10 **municipal ordinance, where the defendant was represented by or waived the right to an attorney**
11 **in writing, involving the possession or use of alcohol, committed while operating a motor**
12 **vehicle;**

13 **(3) Any offense involving the possession or use of a controlled substance as defined in**
14 **chapter 195, RSMo, in violation of the state law or, beginning July 1, 1992, a county or**

15 municipal ordinance, where the defendant was represented by or waived the right to an attorney
16 in writing;

17 (4) Any offense involving the alteration, modification or misrepresentation of a license
18 to operate a motor vehicle in violation of section 311.328, RSMo;

19 (5) Any offense in violation of state law or, beginning July 1, 1992, a county or
20 municipal ordinance, where the defendant was represented by or waived the right to an attorney
21 in writing, involving the possession or use of alcohol for a second time; except that a
22 determination of guilt or its equivalent shall have been made for the first offense and both
23 offenses shall have been committed by the person when the person was under eighteen years of
24 age.

25 2. A court of competent jurisdiction [shall] **may**, upon a plea of guilty or nolo
26 contendere, conviction or finding of guilt, or, if the court is a juvenile court, upon a finding of
27 fact [that] **involving the possession or use of alcohol for a second time, and** the offense was
28 committed by a juvenile, enter an order suspending or revoking the driving privileges of any
29 person determined to have committed a crime or violation of section 311.325, RSMo, **or,**
30 **beginning July 1, 1992, a county or municipal ordinance, where the defendant was**
31 **represented by or waived the right to an attorney in writing;** and who, at the time said crime
32 or violation was committed, was more than fifteen years of age and under twenty-one years of
33 age.

34 3. The court shall require the surrender to it of any license to operate a motor vehicle,
35 temporary instruction permit, intermediate driver's license or any other driving privilege then
36 held by any person against whom a court has entered an order suspending or revoking driving
37 privileges under subsections 1 and 2 of this section.

38 4. The court, if other than a juvenile court, shall forward to the director of revenue the
39 order of suspension or revocation of driving privileges and any licenses, temporary instruction
40 permits, intermediate driver's licenses, or any other driving privilege acquired under subsection
41 3 of this section.

42 5. (1) The court, if a juvenile court, shall forward to the director of revenue the order
43 of suspension or revocation of driving privileges and any licenses, temporary instruction permits,
44 intermediate driver's licenses, or any other driving privilege acquired under subsection 3 of this
45 section for any person sixteen years of age or older, the provision of chapter 211, RSMo, to the
46 contrary notwithstanding.

47 (2) The court, if a juvenile court, shall hold the order of suspension or revocation of
48 driving privileges for any person less than sixteen years of age until thirty days before the
49 person's sixteenth birthday, at which time the juvenile court shall forward to the director of

50 revenue the order of suspension or revocation of driving privileges, the provision of chapter 211,
51 RSMo, to the contrary notwithstanding.

52 6. The period of suspension for a first offense under subsection 1 of this section shall be
53 ninety days. Any second or subsequent offense under subsection 1 of this section shall result in
54 revocation of the offender's driving privileges for one year. The period of suspension for a first
55 offense under subsection 2 of this section shall be thirty days. The period of suspension for a
56 second offense under subsection 2 of this section shall be ninety days. Any third or subsequent
57 offense under subsection 2 of this section shall result in revocation of the offender's driving
58 privileges for one year.

578.250. No person shall intentionally smell or inhale the fumes of any solvent,
2 particularly toluol, **amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite,**
3 **and propyl nitrite and their iso-analogues** or induce any other person to do so, for the purpose
4 of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness,
5 excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or
6 nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the
7 audio, visual, or mental processes; except that this section shall not apply to the inhalation of any
8 anesthesia for medical or dental purposes.

578.255. 1. **As used in this section "alcohol beverage vaporizer" means any device**
2 **which, by means of heat, a vibrating element, or any method, is capable of producing a**
3 **breathable mixture containing one or more alcoholic beverages to be dispensed for**
4 **inhalation into the lungs via the nose or mouth or both.**

5 2. No person shall intentionally or willfully induce the symptoms of intoxication, elation,
6 euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or
7 dulling of the senses or nervous system, distortion of audio, visual or mental processes by the
8 use **or abuse** of any [solvent, particularly toluol.] **of the following substances:**

- 9 (1) **Solvents, particularly toluol;**
- 10 (2) **Ethyl alcohol;**
- 11 (3) **Amyl nitrite and its iso-analogues;**
- 12 (4) **Butyl nitrite and its iso-analogues;**
- 13 (5) **Cyclohexyl nitrite and its iso-analogues;**
- 14 (6) **Ethyl nitrite and its iso-analogues;**
- 15 (7) **Pentyl nitrite and its iso-analogues; and**
- 16 (8) **Propyl nitrite and its iso-analogues.**

17 3. **This statute shall not apply to substances that have been approved by the United**
18 **States Food and Drug Administration as therapeutic drug products or are contained in**

19 **approved over-the-counter drug products or administered lawfully pursuant to the order**
20 **of an authorized medical practitioner.**

21 [2.] **4. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite,**
22 **butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-**
23 **analogues** for the purpose of using it in the manner prohibited by section 578.250 and this
24 section.

25 **5. No person shall possess or use an alcoholic beverage vaporizer.**

578.260. 1. No person shall intentionally possess or buy any solvent, particularly toluol,
2 **amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite**
3 **and their iso-analogues** for the purpose of inducing or aiding any other person to violate the
4 provisions of sections 578.250 and 578.255.

5 2. Any person who violates any provision of sections 578.250 to 578.260 is guilty of a
6 class B misdemeanor **for the first conviction and a class D felony for any subsequent**
7 **convictions.**

578.265. 1. No person shall knowingly and intentionally sell or otherwise transfer
2 possession of any solvent, particularly toluol, **amyl nitrite, butyl nitrite, cyclohexyl nitrite,**
3 **ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues** to any person for the
4 purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria,
5 dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of
6 senses or nervous system, or for the purpose of, in any manner, changing, distorting, or
7 disturbing the audio, visual, or mental processes.

8 2. No person who owns or operates any business which receives over fifty percent of its
9 gross annual income from the sale of alcoholic beverages or beer shall sell or offer for sale
10 toluol, **amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl**
11 **nitrite and their iso-analogues,** or any toxic glue.

12 3. **No person who owns or operates any business which operates as a venue for live**
13 **entertainment performance or receives over fifty percent of its gross annual income from**
14 **the sale of recorded video entertainment shall sell or offer for sale toluol, amyl nitrite, butyl**
15 **nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, propyl nitrite or their iso-analogues.**

16 4. Any person who violates the provisions of subsection 1 or 2 of this section is guilty
17 of a class C felony.

578.409. 1. Any person who violates section 578.407:

2 (1) Shall be guilty of a misdemeanor for each such violation unless the loss, theft, or
3 damage to the animal facility exceeds [three] **two** hundred dollars in value;

4 (2) Shall be guilty of a class D felony if the loss, theft, or damage to the animal facility
5 property exceeds [three] **two** hundred dollars in value but does not exceed [ten] **five** thousand
6 dollars in value;

7 (3) Shall be guilty of a class C felony if the loss, theft, or damage to the animal facility
8 property exceeds [ten] **five** thousand dollars in value but does not exceed [one hundred]
9 **seventy-five** thousand dollars in value;

10 (4) Shall be guilty of a class B felony if the loss, theft, or damage to the animal facility
11 exceeds [one hundred] **seventy-five** thousand dollars in value.

12 2. Any person who intentionally agrees with another person to violate section 578.407
13 and commits an act in furtherance of such violation shall be guilty of the same class of violation
14 as provided in subsection 1 of this section.

15 3. In the determination of the value of the loss, theft, or damage to an animal facility, the
16 court shall conduct a hearing to determine the reasonable cost of replacement of materials, data,
17 equipment, animals, and records that were damaged, destroyed, lost, or cannot be returned, as
18 well as the reasonable cost of lost production funds and repeating experimentation that may have
19 been disrupted or invalidated as a result of the violation of section 578.407.

20 4. Any persons found guilty of a violation of section 578.407 shall be ordered by the
21 court to make restitution, jointly and severally, to the owner, operator, or both, of the animal
22 facility, in the full amount of the reasonable cost as determined under subsection 3 of this
23 section.

24 5. Any person who has been damaged by a violation of section 578.407 may recover all
25 actual and consequential damages, punitive damages, and court costs, including reasonable
26 attorneys' fees, from the person causing such damage.

27 6. Nothing in sections 578.405 to 578.412 shall preclude any animal facility injured in
28 its business or property by a violation of section 578.407 from seeking appropriate relief under
29 any other provision of law or remedy including the issuance of an injunction against any person
30 who violates section 578.407. The owner or operator of the animal facility may petition the court
31 to permanently enjoin such persons from violating sections 578.405 to 578.412 and the court
32 shall provide such relief.

**590.035. The POST commission shall make training available to peace officers that
2 provides instruction on the investigation of crimes involving the use of computers, the
3 Internet, or both, including but not limited to the crimes of sexual exploitation of a minor,
4 possession of child pornography, or enticement of a child.**

595.030. 1. No compensation shall be paid unless the claimant has incurred an
2 out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support
3 from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable

4 expenses or indebtedness reasonably incurred for medical care or other services, including
5 psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which
6 the claim is based, except that the amount paid for psychiatric, psychological or counseling
7 expenses per eligible claim shall not exceed two thousand five hundred dollars.

8 2. No compensation shall be paid unless the division of workers' compensation finds that
9 a crime was committed, that such crime directly resulted in personal physical injury to, or the
10 death of, the victim, and that police records show that such crime was promptly reported to the
11 proper authorities. In no case may compensation be paid if the police records show that such
12 report was made more than forty-eight hours after the occurrence of such crime, unless the
13 division of workers' compensation finds that the report to the police was delayed for good cause.
14 If the victim is under eighteen years of age such report may be made by the victim's parent,
15 guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the
16 division of family services personnel; or by any other member of the victim's family.

17 3. No compensation shall be paid for medical care if the service provider is not a medical
18 provider as that term is defined in section 595.027, and the individual providing the medical care
19 is not licensed by the state of Missouri or the state in which the medical care is provided.

20 4. No compensation shall be paid for psychiatric treatment or other counseling services,
21 including psychotherapy, unless the service provider is a:

22 (1) Physician licensed pursuant to chapter 334, RSMo, or licensed to practice medicine
23 in the state in which the service is provided;

24 (2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to practice
25 psychology in the state in which the service is provided;

26 (3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

27 (4) Professional counselor licensed pursuant to chapter 337, RSMo.

28 5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal
29 injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or
30 support from gainful employment, not to exceed [two] **four** hundred dollars per week, resulting
31 from such injury or death. In the event of death of the victim, an award may be made for
32 reasonable and necessary expenses actually incurred for preparation and burial not to exceed five
33 thousand dollars.

34 6. **Compensation shall be paid under sections 595.010 to 595.075 for replacement**
35 **of clothing, bedding, or other personal items of the victim that are seized by law**
36 **enforcement as evidence of the crime and shall be in an amount equal to the loss sustained**
37 **and not to exceed two hundred fifty dollars.**

38 7. Any compensation for loss of earnings or support from gainful employment shall be
39 in an amount equal to the actual loss sustained not to exceed two hundred dollars per week;

40 provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed
41 twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of
42 the death of a person which is the direct result of a crime or in the case of a sexual assault, the
43 compensation shall be apportioned by the division of workers' compensation among the
44 claimants in proportion to their loss.

45 [7.] 8. The method and timing of the payment of any compensation pursuant to sections
46 595.010 to 595.075 shall be determined by the division.

595.209. 1. The following rights shall automatically be afforded to victims of dangerous
2 felonies, as defined in section 556.061, RSMo, victims of murder in the first degree, as defined
3 in section 565.020, RSMo, victims of voluntary manslaughter, as defined in section 565.023,
4 RSMo, and victims of an attempt to commit one of the preceding crimes, as defined in section
5 564.011, RSMo; and, upon written request, the following rights shall be afforded to victims of
6 all other crimes and witnesses of crimes:

7 (1) For victims, the right to be present at all criminal justice proceedings at which the
8 defendant has such right, including juvenile proceedings where the offense would have been a
9 felony if committed by an adult, even if the victim is called to testify or may be called to testify
10 as a witness in the case;

11 (2) For victims, the right to information about the crime, as provided for in subdivision
12 (5) of this subsection;

13 (3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's
14 office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final
15 disposition of the case. Final disposition information shall be provided within five days;

16 (4) For victims, the right to confer with and to be informed by the prosecutor regarding
17 bail hearings, guilty pleas, pleas under chapter 552, RSMo, or its successors, hearings, sentencing
18 and probation revocation hearings and the right to be heard at such hearings, including juvenile
19 proceedings, unless in the determination of the court the interests of justice require otherwise;

20 (5) The right to be informed by local law enforcement agencies, the appropriate juvenile
21 authorities or the custodial authority of the following:

22 (a) The status of any case concerning a crime against the victim, including juvenile
23 offenses;

24 (b) The right to be informed by local law enforcement agencies or the appropriate
25 juvenile authorities of the availability of victim compensation assistance, assistance in obtaining
26 documentation of the victim's losses, including, but not limited to and subject to existing law
27 concerning protected information or closed records, access to copies of complete, unaltered,
28 unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon

29 request to the appropriate law enforcement agency by the victim or the victim's representative,
30 and emergency crisis intervention services available in the community;

31 (c) Any release of such person on bond or for any other reason;

32 (d) Within twenty-four hours, any escape by such person from a municipal detention
33 facility, county jail, a correctional facility operated by the department of corrections, mental
34 health facility, or the division of youth services or any agency thereof, and any subsequent
35 recapture of such person;

36 (6) For victims, the right to be informed by appropriate juvenile authorities of probation
37 revocation hearings initiated by the juvenile authority and the right to be heard at such hearings
38 or to offer a written statement, video or audio tape, **counsel or a representative designated by**
39 **the victim** in lieu of a personal appearance, the right to be informed by the board of probation
40 and parole of probation revocation hearings initiated by the board and of parole hearings, the
41 right to be present at each and every phase of parole hearings and the right to be heard at
42 probation revocation and parole hearings or to offer a written statement, video or audio tape,
43 **counsel or a representative designated by the victim** in lieu of a personal appearance, and the
44 right to be informed by the custodial mental health facility or agency thereof of any hearings for
45 the release of a person committed pursuant to the provisions of chapter 552, RSMo, the right to
46 be present at such hearings, the right to be heard at such hearings or to offer a written statement,
47 video or audio tape, **counsel or a representative designated by the victim** in lieu of personal
48 appearance;

49 (7) For victims and witnesses, upon their written request, the right to be informed by the
50 appropriate custodial authority, including any municipal detention facility, juvenile detention
51 facility, county jail, correctional facility operated by the department of corrections, mental health
52 facility, division of youth services or agency thereof if the offense would have been a felony if
53 committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552,
54 RSMo, of the following:

55 (a) The projected date of such person's release from confinement;

56 (b) Any release of such person on bond;

57 (c) Any release of such person on furlough, work release, trial release, electronic
58 monitoring program, or to a community correctional facility or program or release for any other
59 reason, in advance of such release;

60 (d) Any scheduled parole or release hearings, including hearings under section 217.362,
61 RSMo, regarding such person and any changes in the scheduling of such hearings. No such
62 hearing shall be conducted without thirty days' advance notice;

63 (e) Within twenty-four hours, any escape by such person from a municipal detention
64 facility, county jail, a correctional facility operated by the department of corrections, mental

65 health facility, or the division of youth services or any agency thereof, and any subsequent
66 recapture of such person;

67 (f) Any decision by a parole board, by a juvenile releasing authority or by a circuit court
68 presiding over releases pursuant to the provisions of chapter 552, RSMo, or by a circuit court
69 presiding over releases under section 217.362, RSMo, to release such person or any decision by
70 the governor to commute the sentence of such person or pardon such person;

71 (g) Notification within thirty days of the death of such person;

72 (8) For witnesses who have been summoned by the prosecuting attorney and for victims,
73 to be notified by the prosecuting attorney in a timely manner when a court proceeding will not
74 go on as scheduled;

75 (9) For victims and witnesses, the right to reasonable protection from the defendant or
76 any person acting on behalf of the defendant from harm and threats of harm arising out of their
77 cooperation with law enforcement and prosecution efforts;

78 (10) For victims and witnesses, on charged cases or submitted cases where no charge
79 decision has yet been made, to be informed by the prosecuting attorney of the status of the case
80 and of the availability of victim compensation assistance and of financial assistance and
81 emergency and crisis intervention services available within the community and information
82 relative to applying for such assistance or services, and of any final decision by the prosecuting
83 attorney not to file charges;

84 (11) For victims, to be informed by the prosecuting attorney of the right to restitution
85 which shall be enforceable in the same manner as any other cause of action as otherwise
86 provided by law;

87 (12) For victims and witnesses, to be informed by the court and the prosecuting attorney
88 of procedures to be followed in order to apply for and receive any witness fee to which they are
89 entitled;

90 (13) When a victim's property is no longer needed for evidentiary reasons or needs to be
91 retained pending an appeal, the prosecuting attorney or any law enforcement agency having
92 possession of the property shall, upon request of the victim, return such property to the victim
93 within five working days unless the property is contraband or subject to forfeiture proceedings,
94 or provide written explanation of the reason why such property shall not be returned;

95 (14) An employer may not discharge or discipline any witness, victim or member of a
96 victim's immediate family for honoring a subpoena to testify in a criminal proceeding, **attending**
97 **a criminal proceeding**, or for participating in the preparation of a criminal proceeding, **or**
98 **require any witness, victim, or member of a victim's immediate family to use vacation time,**
99 **personal time, or sick leave for honoring a subpoena to testify in a criminal proceeding,**

100 **attending a criminal proceeding, or participating in the preparation of a criminal**
101 **proceeding;**

102 (15) For victims, to be provided with creditor intercession services by the prosecuting
103 attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

104 (16) For victims and witnesses, the right to speedy disposition of their cases, and for
105 victims, the right to speedy appellate review of their cases, provided that nothing in this
106 subdivision shall prevent the defendant from having sufficient time to prepare such defendant's
107 defense. The attorney general shall provide victims, upon their written request, case status
108 information throughout the appellate process of their cases. The provisions of this subdivision
109 shall apply only to proceedings involving the particular case to which the person is a victim or
110 witness;

111 (17) For victims and witnesses, to be provided by the court, a secure waiting area during
112 court proceedings and to receive notification of the date, time and location of any hearing
113 conducted by the court for reconsideration of any sentence imposed, modification of such
114 sentence or recall and release of any defendant from incarceration;

115 **(18) For victims, the right to receive upon request a photograph taken of the**
116 **defendant prior to release from incarceration.**

117 2. The provisions of subsection 1 of this section shall not be construed to imply any
118 victim who is incarcerated by the department of corrections or any local law enforcement agency
119 has a right to be released to attend any hearing or that the department of corrections or the local
120 law enforcement agency has any duty to transport such incarcerated victim to any hearing.

121 3. Those persons entitled to notice of events pursuant to the provisions of subsection 1
122 of this section shall provide the appropriate person or agency with their current addresses and
123 telephone numbers or the addresses or telephone numbers at which they wish notification to be
124 given.

125 4. Notification by the appropriate person or agency utilizing the statewide automated
126 crime victim notification system as established in section 650.310, RSMo, shall constitute
127 compliance with the victim notification requirement of this section. If notification utilizing the
128 statewide automated crime victim notification system cannot be used, then written notification
129 shall be sent by certified mail to the most current address provided by the victim.

130 5. Victims' rights as established in section 32 of article I of the Missouri Constitution or
131 the laws of this state pertaining to the rights of victims of crime shall be granted and enforced
132 regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor
133 of the defendant to exclude victims or prevent their full participation in each and every phase of
134 parole hearings or probation revocation hearings. The rights of the victims granted in this section
135 are absolute and the policy of this state is that the victim's rights are paramount to the defendant's

136 rights. The victim has an absolute right to be present at any hearing in which the defendant is
137 present before a probation and parole hearing officer.

610.105. **1.** If the person arrested is charged but the case is subsequently nolle prossed,
2 dismissed, or the accused is found not guilty or imposition of sentence is suspended in the court
3 in which the action is prosecuted, official records pertaining to the case shall thereafter be closed
4 records when such case is finally terminated except as provided in **subsection 2 of this section**
5 **and** section 610.120 and except that the court's judgment or order or the final action taken by the
6 prosecutor in such matters may be accessed. If the accused is found not guilty due to mental
7 disease or defect pursuant to section 552.030, RSMo, official records pertaining to the case shall
8 thereafter be closed records upon such findings, except that the disposition may be accessed only
9 by law enforcement agencies, child-care agencies, facilities as defined in section 198.006, RSMo,
10 and in-home services provider agencies as defined in section 660.250, RSMo, in the manner
11 established by section 610.120.

12 **2.** If the person arrested is charged with an offense found in chapter 566, RSMo,
13 section 568.045, 568.050, 568.060, 568.065, 568.080, 568.090, or 568.175, RSMo, and an
14 imposition of sentence is suspended in the court in which the action is prosecuted, the
15 official records pertaining to the case shall be made available to the victim for the purpose
16 of using the records in his or her own judicial proceeding, or if the victim is a minor to the
17 victim's parents or guardian, upon request.

650.457. **1.** There is established a "Missouri Medal of Valor Review Board", the
2 members of which shall be individuals with knowledge or expertise, whether by experience or
3 training, in the field of public safety, which shall conduct its business in accordance with sections
4 650.450 to 650.460, and be composed of eleven members, all residents of Missouri, and
5 appointed in the following manner:

- 6 (1) One member shall be either the director of the department of public safety or a
7 designee appointed by the director;
- 8 (2) One member shall be a police chief;
- 9 (3) One member shall be a fire chief;
- 10 (4) One member shall be an elected county sheriff;
- 11 (5) One member shall be the director of an ambulance district;
- 12 (6) One member shall be a citizen with experience in law enforcement;
- 13 (7) One member shall be a citizen with experience in corrections;
- 14 (8) One member shall be a citizen with experience in fire fighting;
- 15 (9) One member shall be a citizen with experience in emergency medical services; and
- 16 (10) Two members shall be appointed at the governor's discretion.

17 2. [The term of a board member shall be four years.] **Members of the Missouri medal**
18 **of valor board shall be appointed by the governor from a list of qualified candidates**
19 **submitted to the governor by the director of the department of public safety. The**
20 **appointments would be for a term of four years; except that, of those members first**
21 **appointed, three members shall be appointed to serve for two years, four members shall**
22 **be appointed for three years, and four members shall be appointed for four years.**
23 **Members of the board may serve multiple terms.**

24 3. Any vacancy in the membership of the board shall not affect the powers of the board
25 and shall be filled in the same manner as the original appointment.

26 4. (1) The chairman of the board shall be elected by the members of the board from
27 among the members of the board.

28 (2) The board shall conduct its first meeting not later than ninety days after the
29 appointment of the last member appointed of the initial group of members appointed to the
30 board. Thereafter, the board shall meet at the call of the chairman of the board. The board shall
31 meet not less often than once each year and not more than three times a year.

32 (3) A majority of the members shall constitute a quorum to conduct business, but the
33 board may establish a lesser quorum for conducting hearings scheduled by the board. The board
34 may establish by majority vote any other rules for the conduct of the board's business, if such
35 rules are not inconsistent with sections 650.450 to 650.460 or other applicable law.

36 (4) The board shall select candidates as recipients of the medal from among those
37 applications received by the board. Not more often than once each year, the board shall present
38 to the governor the name or names of those it recommends as medal recipients. In a given year,
39 the board shall not be required to select any recipients but may not select more than seven
40 recipients. The governor may in extraordinary cases increase the number of recipients in a given
41 year. The board shall set an annual timetable for fulfilling its duties under sections 650.450 to
42 650.460.

43 (5) The board may secure directly from any department or agency such information as
44 the board considers necessary to carry out its duties. Upon the request of the board, the head of
45 such department or agency may furnish such information to the board.

46 (6) The board shall not disclose any information which may compromise an ongoing law
47 enforcement investigation or is otherwise required by law to be kept confidential.

48 (7) The members of the board shall serve without compensation, except that the
49 members may be reimbursed for reasonable and necessary expenses arising from board activities
50 or business. Such expenses shall be paid by the department of public safety from the fund
51 created pursuant to section 650.460.

Section 1. The court may require as a condition of probation for a defendant to be
2 **vaccinated for hepatitis A and B at any qualified health department or facility, with costs**
3 **to be paid by the defendant.**

Section 2. In the event a criminal case is dismissed in a circuit court in this state
2 **before the defendant pleads guilty or is found guilty, the circuit judge may assess costs as**
3 **determined by section 488.012, RSMo, against any defendant if the defendant consents to**
4 **paying the costs except in those cases where the defendant is found by the judge to be**
5 **indigent and unable to pay the costs.**

Section 3. Any person who knowingly enters unlawfully or knowingly remains
2 **unlawfully on any real property designated as a licensed hunting preserve by the**
3 **department of conservation shall be guilty of a class A misdemeanor.**

✓

Bill

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